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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2011

VOLUME II—EUROPE AND EURASIA, NEAR EAST AND NORTH AFRICA

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND THE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

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

NOVEMBER 2014

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

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CONTENTS

Page

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

VOLUME I

Africa
Angola 1
Benin 18
Botswana 28
Burkina Faso 39
Burundi 51
Cameroon 66
Cape Verde 85
Central African Republic 92
Chad 110
Comoros 123
Congo, Democratic Republic of the 129
Congo, Republic of the 151
Cote d'Ivoire 163
Djibouti 181
Equatorial Guinea 193
Eritrea 204
Ethiopia 218
Gabon 237
Gambia, The 246
Ghana 259
Guinea 273
Guinea-Bissau 286
Kenya 294
Lesotho 318
Liberia 328
Madagascar 340
Malawi 354
Mali 367
Mauritania 377
Mauritius 391
Mozambique 399
Namibia 412
Niger 425
Nigeria 437
Rwanda 466
Sao Tome and Principe 486

Page

Africa—Continued
Senegal ... 491
Seychelles ... 505
Sierra Leone ... 512
Somalia ... 530
South Africa ... 550
South Sudan ... 570
Sudan ... 583
Swaziland ... 604
Tanzania ... 620
Togo ... 639
Uganda ... 650
Zambia ... 665
Zimbabwe ... 678

East Asia and the Pacific
Australia ... 705
Brunei Darussalam ... 716
Burma ... 724
Cambodia ... 741
China (Including Tibet, Hong Kong, and Macau) ... 756
Tibet ... 794
Hong Kong ... 803
Macau ... 816
Fiji ... 824
Indonesia ... 837
Japan ... 857
Kiribati ... 869
Korea, Democratic People's Republic of ... 874
Korea, Republic of ... 884
Laos ... 895
Malaysia ... 906
Marshall Islands ... 934
Micronesia, Federated States of ... 940
Mongolia ... 945
Nauru ... 956
New Zealand ... 961
Palau ... 968
Papua New Guinea ... 973
Philippines ... 982
Samoa ... 1001
Singapore ... 1008
Solomon Islands ... 1022
Taiwan ... 1029
Thailand ... 1038
Timor-Leste ... 1064
Tonga ... 1072
Tuvalu ... 1077
Vanuatu ... 1082
Vietnam ... 1089

Page

VOLUME II

Europe and Eurasia

Albania 1113
Andorra 1123
Armenia 1127
Austria 1143
Azerbaijan 1151
Belarus 1169
Belgium 1196
Bosnia and Herzegovina 1203
Bulgaria 1219
Croatia 1231
Cyprus 1247
Area Administered by Turkish Cypriots (Turkish Republic of Northern Cyprus) 1261
Czech Republic 1270
Denmark 1281
Estonia 1288
Finland 1296
France 1305
Georgia 1319
Germany 1345
Greece 1357
Hungary 1371
Iceland 1391
Ireland 1399
Italy 1406
Kosovo 1417
Latvia 1432
Liechtenstein 1442
Lithuania 1448
Luxembourg 1457
Macedonia 1462
Malta 1478
Moldova 1486
Monaco 1505
Montenegro 1509
Netherlands 1531
Norway 1541
Poland 1550
Portugal 1563
Romania 1569
Russia 1585
San Marino 1614
Serbia 1618
Slovakia 1630
Slovenia 1644
Spain 1655
Sweden 1665
Switzerland 1673
Turkey 1682
Ukraine 1704
United Kingdom 1724

Page

Near East and North Africa

Algeria 1735
Bahrain 1749
Egypt 1767
Iran 1784
Iraq 1823
Israel and the Occupied Territories 1845
The Occupied Territories 1858
Jordan 1884
Kuwait 1898
Lebanon 1909
Libya 1924
Morocco 1940
Oman 1956
Qatar 1965
Saudi Arabia 1975
Syria 1992
Tunisia 2008
United Arab Emirates 2018
Western Sahara 2031
Yemen 2037

VOLUME III

South and Central Asia

Afghanistan 2057
Bangladesh 2079
Bhutan 2100
India 2107
Kazakhstan 2139
Kyrgyz Republic 2157
Maldives 2176
Nepal 2188
Pakistan 2204
Sri Lanka 2233
Tajikistan 2254
Turkmenistan 2265
Uzbekistan 2277

Western Hemisphere

Antigua and Barbuda 2295
Argentina 2301
Bahamas, The 2314
Barbados 2323
Belize 2330
Bolivia 2338
Brazil 2349
Canada 2364
Chile 2373
Colombia 2384
Costa Rica 2411
Cuba 2421
Dominica 2434
Dominican Republic 2440
Ecuador 2458
El Salvador 2473

Page

Western Hemisphere—Continued

Grenada 2487
Guatemala 2492
Guyana 2507
Haiti 2516
Honduras 2534
Jamaica 2546
Mexico 2559
Nicaragua 2576
Panama 2592
Paraguay 2605
Peru 2615
Saint Kitts and Nevis 2631
Saint Lucia 2636
Saint Vincent and the Grenadines 2642
Suriname 2648
Trinidad and Tobago 2656
Uruguay 2665
Venezuela 2672

Appendixes

Appendix A: Notes on preparation of Report 2697
Appendix B: Reporting on Worker Rights 2705
Appendix C: Selected International Human Rights Conventions 2707
Appendix D: Description of International Human Rights Conventions in Appendix C 2715
Appendix E: FY 2010 Foreign Assistance Actuals 2717
Appendix F: United Nations General Assembly's Third Committee Country Resolution Votes 2010 2737
Appendix G: United Nations Universal Declaration of Human Rights 2743

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, April 8, 2012.

Hon. John F. Kerry,
Chairman, Committee on Foreign Relations.

DEAR MR. CHAIRMAN: On behalf of the Secretary of State, I am transmitting to you the *Country Reports on Human Rights Practices for 2011,* prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

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

Sincerely,

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

Enclosure.

SECRETARY'S PREFACE

The world changed immeasurably over the course of 2011. Across the Middle East, North Africa, and far beyond, citizens stood up to demand respect for human dignity, more promising economic opportunities, greater political liberties, and a say in their own future. Often they faced tremendous odds and endured violent responses from their governments. The resulting upheavals are still unfolding today in places like Syria, where the regime has brutalized its own people. In Burma, after years of repression, the government has taken preliminary steps to allow reforms to begin. This year's Country Reports on Human Rights Practices chronicle these dramatic changes and the stories of the people defending human rights in almost 200 countries around the world.

Congress mandated these country reports more than three decades ago to help guide lawmakers' decisions on foreign military and economic aid, but they have evolved into something more. Today, governments, intergovernmental organizations, scholars, journalists, activists, and others around the world rely on these reports as an essential update on human rights conditions around the world—where we have seen progress, where progress has come too slowly or at great cost, and all too often, where it has been rolled back.

Our reports are founded on the simple truth at the heart of the Universal Declaration of Human Rights—that all people are born free and equal in dignity and rights. Respect for human rights is not a western construct or a uniquely American ideal; it is the foundation for peace and stability everywhere. Universal human rights include the right of citizens to assemble peacefully and to seek to reform or change their governments, a central theme around the world in 2011. As President Obama has said, "History offers a clear verdict: Governments that respect the will of their own people, that govern by consent and not coercion, are more prosperous, they are more stable, and more successful than governments that do not."

In my travels around the world as Secretary of State, I have met many individuals who put their lives on the line to advance the cause of human rights and justice. In ways small and large, they hold their governments accountable for upholding universal human rights. Their courage and commitment to peaceful reform are an inspiration. This report recognizes their bravery and should serve as a reminder: The United States stands with all those who seek to advance human dignity, and we will continue to shine the light of international attention on their efforts.

These reports are part of our broad commitment to promote human rights. Every day, officials from the State Department, the U.S. Agency for International Development, and many other gov-

ernment agencies devote themselves to advancing human rights as a priority of U.S. foreign policy. They champion our values in every country of the world and stand up for the inherent rights and freedoms of all people. I am honored to work alongside them, and I thank them for their contributions to this report.

On behalf of all of them, and everyone around the world working to protect human rights, I hereby transmit the Department of State's Country Reports on Human Rights Practices for 2011 to the United States Congress.

HILLARY RODHAM CLINTON
Secretary of State

OVERVIEW AND ACKNOWLEDGMENTS

WHY THE REPORTS ARE PREPARED

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

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

How the Reports Are Prepared

The Department of State prepared this report using information from U.S. embassies and consulates abroad, foreign government officials, nongovernmental and international organizations, and published reports. U.S. diplomatic missions abroad prepared the initial drafts of the individual country reports, using information they gathered throughout the year from a variety of sources, including government officials, jurists, the armed forces, journalists, human rights monitors, academics, and labor activists. This information gathering can be hazardous, and U.S. Foreign Service personnel regularly go to great lengths, under trying and sometimes dangerous conditions, to investigate reports of human rights abuse.

Once the initial drafts of the individual country reports were completed, the Bureau of Democracy, Human Rights and Labor (DRL), in cooperation with other Department of State offices, worked to corroborate, analyze, and edit the reports, drawing on their own sources of information. These sources included reports provided by U.S. and other human rights groups, foreign government officials, representatives from the United Nations and other international and regional organizations and institutions, experts

from academia, and the media. Bureau officers also consulted experts on worker rights, refugee issues, military and police topics, women's issues, and legal matters, among many others. The guiding principle was that all information be reported objectively, thoroughly, and fairly.

As has proven the case in the past, we anticipate that the reports will be used as a resource for shaping policy; conducting diplomacy; and making assistance, training, and other resource allocations. They will serve also as a basis for the U.S. government's cooperation with private groups to promote the observance of internationally recognized human rights.

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

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

As was begun with the 2010 reports, DRL has continued to use hyperlinks to other key human rights documents produced by the Department of State. Specifically, readers are asked to follow hyperlinks for complete information on religious freedom issues by consulting the International Religious Freedom Report and the Trafficking in Persons Report. Additionally, the Department of Labor's Findings on the Worst Forms of Child Labor report is linked, as well as the several current publications produced by the Department's Consular Affairs Bureau on international child abductions, if applicable to the country in question.

Within DRL, the editorial staff of the Country Reports Team consists of the following: Editor in Chief Stephen Eisenbraun; Office Directors Eric Falls, Randy Fleitman, Francisco Gonzalez, Jeffrey Hawkins, John Kincannon, Mark Mittelhauser, Susan O'Sullivan, and Brian Walch; Senior Editors Jonathan Bemis, Sarah Buckley-Moore, Douglas B. Dearborn, Daniel Dolan, Jerome L. Hoganson, Victor Huser, Patricia Meeks Schnell, Marc J. Susser, and Julie Turner; Editors Naim Ahmed, Mitch Alva, Pauline W. Anderson, Cory Andrews, Mary Angelini, Bob Bailey, Chase Ballinger, Harold Bonacquist, Sarah Brooks, Laura Carey, Elise Carlson-Rainer, Cornelius Cremin, Frank Crump, Sarah D'Ambrisi, Randall Doyle, Mort Dworken, Rob Ehrmann, Ryan Fiorsi, Karen Gilbride, Joan

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INTRODUCTION

On January 14, Tunisian president Zine el-Abedine Ben Ali boarded a plane in Tunis with his family and departed for Saudi Arabia. Twenty-seven days later, Egyptian President Hosni Mubarak resigned. After eight months of brutal attacks on Libyans seeking peaceful change, Moammar Qadhafi was overthrown. For the first time in history, the Yemeni President transferred power through the ballot box. Forces loyal to Syrian President Bashar al-Asad have committed heinous and widespread human rights abuses against their own people since March 2011, and yet the protesters have not been cowed.

These still unfolding citizen uprisings in the Middle East and North Africa have sent aftershocks rumbling around the world. Millions of citizens in many other countries have also expressed their dissatisfaction with governments that fail to deliver results to their people. Whether in grand movements or small acts, people in countries around the world are standing up and demanding their universal rights, dignity, greater economic opportunity, and participation in their countries' political future.

The yearning for change we have witnessed in Tunisia, Egypt, Libya, Yemen, and Syria is inspirational, and yet change often creates instability before it leads to greater respect for democracy and human rights. After decades of repression, during which open political participation was not allowed, it will take time to create diverse political parties, a robust civil society, a climate conducive to freedom of expression, and a transparent political culture. Transitions are times of uncertainty. They can be chaotic, unstable, and at times violent. And even when they succeed, they are rarely linear, quick, or easy. The challenge during these transitions is to keep societies open to political debate. Protecting human rights and fundamental freedoms ensures that negotiations over a country's future can take place without fear or intimidation, and that anti-democratic forces do not snuff out genuine political participation. As Secretary Clinton said, "All political parties, religious and secular alike, have to abide by basic ground rules: reject violence; uphold the rule of law; respect the freedoms of speech, religion, association, and assembly; protect the rights of women and minorities; give up power if you are defeated at the polls; and especially in a region with deep divisions within and between religions, avoid inciting sectarian conflicts that pull societies apart." If these fundamental rules are violated, she warned, "The victors of revolutions can become their victims."

In the turmoil of 2011, thousands of citizens were killed across Tunisia, Egypt, Libya, Bahrain, Yemen, and Syria. Many others were abused by security forces that used excessive force. But the

images of demonstrators who had seemingly lost all fear, risking their lives to oppose governments they deemed illegitimate, inspired people around the world. Even in the most isolated places, the desire for greater freedom and political and economic opportunity began to flicker.

The year 2011 brought remarkable changes in Burma, long isolated because of the government's poor treatment of its own people. In dramatic fashion, the Burmese government took a number of bold steps to begin the long and difficult process of political reform and reconciliation with those who have struggled peacefully for freedom for decades. In last year's report, we wrote about the dire situation of hundreds of political prisoners who remained in jail in Burma, some of whom had been imprisoned for decades for taking part in protests or simply for reading "subversive" poetry. In October 2011, the government released more than 200 of these prisoners. As next year's country report will cover, in January 2012 the Burmese government released 300 more, including some who had been detained for many years, and allowed the National League for Democracy to register and field candidates for parliamentary elections, including party leader Aung Sun Syu Kyi.

Burma offers an example of a government moving towards a model of greater openness, democracy, and liberty, attributes that can lead to greater innovation, prosperity, and inclusion. Much remains to be done to implement reforms and especially to address the legacy of decades of violence against ethnic minorities. But the size of the task ahead does not diminish the excitement of these first steps, or the sense of possibility they may inspire in other closed societies, such as Iran, North Korea, Uzbekistan, Eritrea, or Sudan.

Several other countries also took important steps in 2011 toward improving their human rights records, although more work remains to be done. In Colombia, the government worked to address the climate of impunity with respect to harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists. Extrajudicial killings declined in large measure due to efforts by the government to stop such crimes. In Zambia, presidential, parliamentary, and local elections held in September were free, credible, and orderly. The incumbent president relinquished power and accepted the will of the Zambian people. In Tunisia, citizens held transparent and credible elections for a Constituent Assembly, which in turn elected a former political prisoner as the country's interim president. The country is now rewriting its constitution.

Along with such hopeful developments, this report documents a range of negative developments in 2011. A number of countries became less free as a result of flawed elections; the imposition by powerful leaders of less democratic constitutional provisions; restrictions on the universal rights to freedom of expression, assembly, or association, including on the Internet; moves to censor or intimidate the media; or attempts to control or curtail the activities of nongovernmental groups. In Nicaragua, extensive irregularities in the electoral process marked a setback to democracy and undermined the ability of Nicaraguans to hold their government accountable.

Other disturbing trends in 2011 include continued persecution of religious minorities, including, but not limited to, Ahmadis, Bahais, Tibetan Buddhists, Christians, Jews, and others. In many countries there was an uptick in discrimination against members of racial and ethnic minorities; people with disabilities; and lesbian, gay, bisexual, or transgender (LGBT) people, all of whom were frequent targets of abuse, discrimination, and violence. In some countries medical personnel were harassed, intimidated, and arrested. Both governments and opposition forces tried to prevent humanitarian assistance from reaching civilians in dire circumstances.

Egypt and Kyrgyzstan held historic elections that were deemed to be generally free and fair. Yet the elections in these countries, as well as the standoff following the 2010 presidential election in Cote d'Ivoire, provided a poignant reminder that elections are a critical but insufficient element in genuine transitions to democracy and the rule of law. Committed citizens in each of these countries continued to work toward building the habits and institutions of democratic governance, including a political culture in which electoral losers understand they must cede power, and elected representatives wield power fairly.

Overall human rights conditions remained extremely poor in many of the countries that were spotlighted in our 2010 country reports, including, but not limited to, Iran, North Korea, Turkmenistan, Uzbekistan, Syria, Belarus, and China.

Several broader trends were prominent in 2011. New connective technologies spread news of citizen activism, and political change, around the world. People continued to find innovative ways to use technology to break down the walls of fear and isolation that undemocratic governments erected to try to keep their populations quiescent. They used these technologies to speak out against societal discrimination, corruption, and restrictions on civil and political liberties that are keeping them from enjoying equal rights, dignity, or respect. Yet repressive regimes also used those same technologies to spy on their own citizens for the purposes of silencing dissent.

As we consider the implications of connective technologies on human rights and democracy, we realize that technology itself does not usher in progress on human rights. People do. Technology can help people exercise their universal human rights, connect with others across borders, and transcend time zones and even language barriers. But technology is a platform, not a substitute for political organizing, advocacy, or persuasion. The Internet does not bring people into the street. Grievances do. The Internet did not spark the Arab Spring. Injustice did.

Because the story of how people express themselves, associate with one another, and share ideas and opinions is increasingly unfolding online, protecting and promoting Internet freedom is a core priority of the United States. We report on its status in the pages that follow.

We also report on the status of media freedom, which remained poor in many countries and declined in others. The year 2011 brought an increase in the number of journalists and bloggers silenced to death or jail as they attempted to bring news to the public. These reports also chronicle the many ways in which some gov-

ernments attempted to censor the media through regulations or laws that are contrary to the universal right to freedom of expression and opinion, and through harassment, intimidation, or violence. In Ecuador and Venezuela, government actions against independent media outlets had a chilling effect on media freedom.

This year's reports highlight the treatment of marginalized people, including LGBT people and people with disabilities. Too many countries still criminalize consensual same-sex sexual activity, and LGBT people face discrimination and violence in many more countries. We continue to focus on other vulnerable populations, including women and children. Domestic and societal violence and discrimination against women continue to be serious problems in many countries. Women and children are often the first to suffer during conflicts.

In addition, we continue to monitor challenges to civil society organizations promoting respect for human rights and democratic transitions in their own countries. In last year's Human Rights Reports, we noted a surge in efforts by repressive governments to control and stifle independent non-governmental organizations (NGOs). Over the last several years, more than 90 governments have sought to pass laws that hampered the ability of NGOs to register, operate freely, or receive foreign funding. In a number of countries, including Egypt, Ethiopia, Malaysia, Algeria, Cambodia, and Russia, governments have imposed or threatened greater restrictions on foreign funding of these organizations, taken other measures that severely hamper their operations, or sought to intimidate them or shut them down completely. In many other places, the work of these organizations is misunderstood, or actively misrepresented by insecure governments that fear independent scrutiny of their actions. These trends intensified in 2011, when we saw a sharp escalation of official restrictions on the work of human rights and democracy advocates.

As President Obama has said, societies change from within. Civil society organizations lead that change by engaging citizens in conversations about how people want to be governed. These organizations spotlight human rights abuses, fight discrimination, and monitor whether authorities are upholding the rule of law. They speak out against the exclusion, persecution, or hatred of vulnerable minorities, and document where their societies fall short. By holding up a mirror to society, they ask their governments and their citizens to do better and to be better. In all of these ways, civil society groups are the lifeblood of free and open societies, and they are most vital in countries where democratic traditions and institutions are just beginning to take root.

The events of 2011, as documented in these pages, remind us once again that human rights and global security are inextricably linked. From Tunis to Tehran, from Cairo to California, from Moscow to Rangoon, citizens were ever more interconnected and so were the interrelationships between their freedoms, economic opportunity, and the security and prosperity of their societies.

Around the world, we see that where human rights are consistently abused or threatened, by authorities or by criminal, sectarian, or other undemocratic groups that enjoy impunity, the result is frequently political strife, economic contraction, and desta-

bilization that too often spills across borders. In contrast, where human rights are respected, the rule of law is enforced, and government actions are transparent, societies are more stable and secure. People who feel empowered to engage in the political process and who see their rights respected are less likely to join extremist groups that threaten domestic tranquility and international stability.

They gradually develop a greater trust of their government and feel a greater stake in the success of the system. In this way, respect for human rights builds political stability and lays the foundations for democratization, economic growth, shared prosperity, and enhanced global security.

This critical connection between human rights and national security plays out repeatedly in the pages that follow. It will continue to play out in the transitions to democracy occurring in the Arab world and beyond. The people who took to the streets to demonstrate in Tunis, Cairo, Tripoli, and Sanaa have proven that change can come without turning to extremism. In 2011 we saw too many governments crack down in the name of restoring order when their citizens demanded universal human rights and a voice in how they were governed. These acts of repression triggered more confrontation, more chaos, and ultimately greater instability. The events of the year showed that the real choice is not between stability and security; it is between reform and unrest.

I want to add a word about the production of these reports. Each year, they are prepared by human rights officers at U.S. embassies and other posts around the world, working with their counterparts in Washington, D.C. Each country team collects, analyzes, and synthesizes information from a variety of sources, including domestic and international human rights organizations, other governments, multilateral organizations, and members of civil society. Once the reports are drafted, they are rigorously edited, reviewed, and fact-checked to ensure accuracy and objectivity.

This year, we made the human rights reports easier to read online. Readers can jump directly to topics of interest with a new table of contents, share reports on social media, and research topics across countries with the Build a Report tool. Our goal is to allow readers to gather information quickly across regions on the issues that most interest them.

We have also attempted to make the reports more accessible to a broader spectrum of readers. Over the past 35 years, the length of the human rights reports had expanded, even as Congress mandated separate annual reports on the status of international religious freedom and human trafficking. This year, we have developed a streamlined format for each country report. As a result, we do not attempt to catalog every incidence, however egregious, of a particular type of human rights abuse in a country. Rather, we spotlight examples that typify and illuminate the types of problems frequently reported in 2011 in that country. The mention of fewer cases in a particular report should not be interpreted as a lessening of concern for the overall human rights situation in any particular country. Rather, our goal is to shed light on the nature, scope, and severity of the reported human rights abuses. For the first time, we

have also added an executive summary at the top of each report. We hope readers will find these changes useful.

2011 COUNTRY HIGHLIGHTS

AFRICA

Internal conflicts in the East, particularly in the North and South Kivu and Orientale provinces, continued to plague the Democratic Republic of Congo. Human rights abuses were committed by all parties to the conflict. Reported human rights abuses included killings, disappearances, and torture. Rebel and militia groups and some army units engaged in the illegal exploitation and trade of natural resources in the east. Foreign rebel and militia groups and some local militias formed coalitions, battled government forces, and attacked civilian populations. State security forces arrested, illegally detained, raped, tortured, or summarily executed civilians and looted villages during military actions against rebels. Fighting in the East impeded humanitarian aid in some areas, exacerbating an already severe humanitarian crisis that affects some 1.7 million displaced persons. Impunity remained a significant problem. The deeply flawed election in November was accompanied by disappearances and restrictions on freedoms of assembly, expression and movement.

Widespread human rights violations continued in Eritrea, where the government is under the control of authoritarian President Isaias Afwerki. The government forced men and women to participate in the national service program from which there were no clear criteria for demobilization, and persons worked indefinitely in any location or capacity chosen by the government. Security forces tortured and beat army deserters, draft evaders, persons attempting to flee the country, and members of certain religious groups. Harsh prison and detention center conditions, which included unventilated and underground cells with extreme temperatures, led to multiple deaths. The government controlled all media. It reportedly continued to detain more than 30 journalists, providing no information about their places of detention.

In Ethiopia, the government continued to repress civil society, including the media. The government arrested more than 100 opposition figures, activists, journalists, and bloggers, charging several of those arrested with terrorist or seditious activity. However, observers found the evidence presented at trials to be either open to interpretation or indicative of acts of a political nature rather than linked to terrorism. The Charities and Societies Proclamation (CSO law) continued to impose severe restrictions on civil society and NGO activities. As a result of the law, civil society activities have been severely curtailed. The government also restricted access to the Internet and blocked the websites of news organizations, opposition sites, and blogs.

In Nigeria, a campaign of attacks by the radical Islamist sect known as Boko Haram intensified during the year and violence spread to more areas of the country. The group committed bombings and drive-by shootings, assassinated religious leaders, security personnel and politicians, attacked police stations and banks, and conducted suicide bombings. In Maiduguri, Borno State, shootings

and bombings were a weekly and sometimes daily occurrence, with violence also occurring in neighboring states. In August, Boko Haram targeted an international organization for the first time, bombing the U.N. House headquarters in Abuja and killing 24 persons. The government deployed the Joint Task Force, which committed extrajudicial killings during attempts to apprehend Boko Haram members. The April 2011 general elections were Nigeria's most successful since its return to multiparty democracy in 1999. However, postelection violence erupted in the north and in the Middle Belt States, resulting in loss of lives, property damage, and restrictions of movement.

The Government of Sudan continued to conduct aerial bombardment of civilian areas. In Darfur, fighting involved government forces, government-aligned militias, rebel groups, and ethnic groups. These groups killed, injured, and raped civilians, and used child soldiers. During the year violence broke-out in the disputed border area of Abyei, as well as in the Sudanese states of Southern Kordofan and Blue Nile. The violence in these areas resulted in widespread civilian displacement and human rights abuses. Human rights abuses in Sudan went unpunished and impunity remained a serious problem. Parties to the conflicts obstructed the work of humanitarian organizations and the United Nations. In addition, the government also continued to crack down on journalists and restrict freedoms of speech, assembly, association, religion, and movement, and security forces continued to kill, torture, beat, and harass suspected political opponents and others.

In Zimbabwe, the chronically bad human rights situation did not improve. Despite a fledgling Government of National Unity, the government remains mostly under the control of President Mugabe's political party, Zimbabwe African National Union-Patriotic Front (ZANU-PF), which retains authority over the military, police and intelligence services. These security services continued to arrest, abuse, and torture non-ZANU-PF party members and civil society activists with impunity. The government infringed on citizens' freedoms of speech, assembly, association, and movement. Executive influence and interference in the judiciary remained a serious problem, and NGOs reported that magistrates were promised farms and homes for providing rulings favorable to ZANU-PF. In rural areas ZANU-PF sympathizers used threats and intimidation against local magistrates to gain favorable rulings.

EAST ASIA AND PACIFIC

Burma took important steps to improve human rights conditions in 2011, including the release of hundreds of political prisoners and the adoption of a labor law that, when implemented, can provide workers the right to organize and strike. In November, following the adoption of a revised political party registration law, Aung San Suu Kyi's National League for Democracy and other opposition parties were allowed to re-register as legal political parties. However, significant human rights problems persisted, including military harassment and abuse of activists promoting human rights and democracy, and denial of the rights to freedom of expression, association, assembly, religion, and movement. The government detained activists indefinitely and without charges and regime-sponsored

mass-member organizations harassed and abused them. Authorities arrested, detained, convicted, and imprisoned citizens for expressing political opinions critical of the government. The government took initial steps in 2011 toward lifting some of the longtime restrictions on the media. If implemented, these measures would lay the groundwork for meaningful freedom of expression in the country.

In China, the human rights situation deteriorated, particularly the freedoms of expression, assembly, and association. The government exercised tight control over Internet access and content. Members of civil society, including human rights activists, journalists, writers, and dissidents, were harassed and detained. Public interest lawyers who took cases deemed sensitive by the government faced disbarment and the closure of their firms, and in some cases were subject to arrest and detention. Activists, dissidents, and members of religious minorities were denied the freedoms to assemble, practice their religions, or travel. The government stepped up efforts to silence political activists and resorted to extralegal measures, including enforced disappearance, "soft detention," and strict house arrest, including house arrest of family members, to prevent the public voicing of independent opinions. Abuses peaked around high-profile events, such as visits of foreign officials, sensitive anniversaries, and in response to calls for "Jasmine revolution," protests. In Tibet, at least 12 monks and nuns immolated themselves to protest political restrictions and lack of religious freedom.

Vietnam's May elections were neither free nor fair, since all candidates were required to pass vetting by the authorities. The government severely restricted political rights, including the freedoms of expression, assembly, movement, and association. It also restricted access to Internet content, and monitored bloggers. There were confirmed reports of attacks against websites critical of the Vietnamese government. Peaceful political activists were arbitrarily arrested, detained, and sentenced to prison; those alleged to have ties to foreign-based pro-democracy groups were particular targets. And 19 people reportedly died in police custody, including a man beaten while in detention for a traffic violation. At year's end, the government reportedly held more than 100 political detainees, although some international observers claimed there were more. Independent nongovernmental organizations were not permitted, and corruption was a problem in the judiciary as well as at various levels in the police. Prosecution of officials who committed abuses was inconsistent.

EUROPE

Conditions in Belarus remained poor following the flawed presidential election of December 2010. Security forces beat protestors and detainees, and there were credible reports of torture. Trials were conducted behind closed doors or in absentia with verdicts predetermined. Five of the nine candidates who opposed incumbent Alyaksandr Lukashenka in the presidential election were tried and convicted. Individuals were detained for civic activism. For example, during the June-September "silent" demonstrations organized via Internet, police detained more than 2,000 people and sentenced

many of them to large fines or up to 15 days of administrative detention. The government targeted for harassment representatives of nongovernmental organizations, journalists, and political activists following the presidential elections and further restricted freedom of association.

In Russia, domestic and international monitors reported significant irregularities and fraud in many regions during the December elections to the State Duma, but also highlighted unprecedented civic involvement by Russians committed to trying to improve the process. There were large demonstrations in major cities protesting the conduct of the elections. While freedom of expression on the Internet and in some print media continued, self-censorship and the government's ownership of and pressure on some print and most broadcast media outlets limited political discourse. Attacks on and killings of journalists and activists continued. Individuals who challenged the government or well-connected business interests sometimes faced physical attack, harassment, increased scrutiny from government regulatory agencies, politically-motivated prosecutions, harsh detention conditions, and other forms of pressure. In the North Caucasus, the conflict among the government and insurgents, Islamist militants, and criminal elements led to numerous human rights abuses by security forces and insurgents.

In Ukraine, former Prime Minister Yulia Tymoshenko and 12 other senior members of her government were charged with abuse of power and misuse of state funds during their tenure. Three have been convicted, including Tymoshenko and former interior minister Yuriy Lutsenko. Two others remain in custody, and the former minister of the economy, Bohdan Danylyshyn, fled the country and was granted political asylum in the Czech Republic. Many domestic and foreign observers considered the prosecutions to be politically motivated.

NEAR EAST

In Bahrain, mass protests began in February calling for political reform and expanded civil rights for members the Shia majority. The government imposed a state of emergency, or "State of National Safety," from March 15 to June 1, during which time military and civilian security forces committed a number of human rights violations, including torture, arbitrary detentions, limitations on freedoms of speech and association, and lack of due process. Public employees were dismissed from their jobs for participating in protests, and individuals were prosecuted in both state security courts and civilian courts. In July, the king established the Bahrain Independent Commission of Inquiry (BICI), which determined that 13 Bahraini civilians died at the hands of security forces and an additional five as a result of torture. Individuals who expressed critical opinions, including through music and social media, faced arrest, were subjected to extended detention, or prosecution. In its November 23 report, the BICI described a "culture of impunity" created by a lack of accountability of security officials during the unrest. Over the course of 2011, some political prisoners were released and some dismissed employees were reinstated, but other prosecutions of journalists, activists, and oppositions figures for their alleged anti-government activities continued. After the re-

lease of the report, the government began to take steps to implement the recommendations of the BICI, such as allowing access to prisons by the International Committee of the Red Cross, establishing a process to address worker reinstatements in collaboration with the trade union and employers, and restructuring oversight mechanisms in the Ministry of Interior and Bahrain National Security Agency.

In Egypt, massive street demonstrations culminated in the February 11 resignation of President Hosni Mubarak and the transfer of executive authority to the Supreme Council of the Armed Forces. A March 2011 referendum for a new constitution, and voting in parliamentary elections conducted from November 2011 through February 2012, were considered the freest in decades. However, human rights abuses were rampant during the uprising and continued after Mubarak's resignation. Attacks on demonstrators by security forces and clashes among demonstrators killed more than 900 people; female protesters were subjected to harassment and so-called "virginity tests," and journalists and bloggers were detained for criticizing the military. Sectarian violence escalated over the course of the year, with more than 90 people, primarily Coptic Christians, killed in religious clashes. Few perpetrators of abuses were held accountable.

The government of Iran continued to deny its citizens human rights, including the freedoms of expression, assembly, association, movement, and religion. It sentenced hundreds of people to death and carried out hundreds of executions without due process. It cracked down on all forms of dissent, arresting and detaining activists, opposition leaders, lawyers, journalists, artists, and academics. It executed juveniles, tortured political prisoners, and detained more journalists than nearly any country in the world. It limited the rights of citizens to peacefully change their government through free and fair elections, and also placed under house arrest for most of the year the two leaders of the main opposition movement, arbitrarily arrested their supporters, closed their websites and newspapers, and harassed their families. The Iranian government arrested, tortured, and prosecuted many for dissent, including demonstrators who rallied in solidarity with protesters in Tunisia and Egypt. It continued to mistreat women, LGBT people, and members of ethnic and religious minorities. Government officials made anti-Semitic statements, and disproportionately targeted members of minority groups, including Kurds, Arabs, Azeris, and Baluchis, for arbitrary arrest, prolonged detention, and physical abuse. The government also isolated its citizens by imposing severe restrictions on the Internet.

Iraq's most significant human rights abuses included reports of unlawful killings and violence, torture, impunity, disappearances, and widespread corruption. Abuses were committed by sectarian and ethnic armed groups and government-affiliated forces. Both terrorist groups, principally Sunni, such as al-Qaida in Iraq, and militant organizations, largely Shia, committed attacks against members of other sects or ethnic groups, security forces, places of worship, religious pilgrims, economic infrastructure, and government officials. Through suicide bombings, attacks with improvised explosive devices, drive-by shootings, and other acts of violence, the

groups aimed to weaken the government and deepen sectarian divisions.

In Libya, a revolution ended the Qadhafi regime, which perpetrated systematic human rights abuses throughout its four-decade rule and was also responsible for the majority of civilian deaths and abuses during the seven-month conflict in 2011. Abuses were committed by various actors in 2011, including after the conflict, and often with impunity. These included disappearances, extrajudicial killings, arbitrary arrests, abuse and lack of review in detention, and violence and widespread discrimination against migrants and members of some ethnic minorities. Following Qadhafi's death on October 20 and the takeover of his last stronghold in Sirte, the Transitional National Council declared the country's "liberation" on October 23 and remained an arm of the interim government engaged in transition planning. The interim Government of Libya expressed support for the protection of human rights for all people in Libya, but due to weak institutions, limited capacity, and a lack of control over the security environment, its ability to enforce the rule of law was limited. Continuing violence, organizational dysfunction, and corruption led to ongoing human rights abuses, particularly in the areas outside government control.

In Syria, nonviolent antigovernment demonstrations began in mid-March and continued throughout 2011. The government of President al-Asad used indiscriminate and deadly force to quell peaceful protests throughout the country and launched military assaults on several of its own cities. Government forces deprived cities of electricity, water, and medical services, and restricted entry and exit for approximately 20 days while using military weaponry on buildings, mosques, and other civilian targets. Despite the regime's November 2 agreement to an Arab League plan to engage in reforms and cease killing civilians, it continued to use deadly force against peaceful protesters. At the year's end, activists reported ongoing arrests, torture, intimidation, rape, extra-judicial killings and the use of military force against civilians. The government attempted to stop the flow of information about state violence, including by banning smart phones that had been used to document state violence against civilians, including children. Nonetheless, images of protesters allegedly being beaten, arrested, and killed continued to be smuggled out of the country and to appear on social media sites such as YouTube and Facebook. As next year's Human Rights Reports will cover, the situation deteriorated sharply early this year, with the government waging massive military operations against cities and towns, and laying siege to Homs and other cities. As of March, the United Nations estimated that more than 9,000 civilians had been killed since the beginning of the demonstrations. Efforts by the International Committee of the Red Cross to provide humanitarian assistance and medical care to besieged civilians were frequently thwarted by state forces.

The Arab Spring began in Tunisia in December 2010, when a young vendor named Mohammed Bouazizi set himself on fire in front of the headquarters of the provincial government to protest the confiscation of his goods by the police and the refusal of local officials to hear his complaint. That action, and the weeks of protests it sparked, ultimately toppled the Ben Ali regime. On October

23, a Constituent Assembly, the body that will draft a new constitution and appoint a new interim government, was elected. The proceedings were considered free and fair and marked the first open, inclusive, and truly democratic election in Tunisia's history. Overall, the January Revolution created an extraordinary opening for the protection of human rights in Tunisia. Under Ben Ali's 23-year dictatorship, human rights were systematically ignored. After the Revolution, restrictions on freedom of expression, assembly, and association diminished significantly. Exiled activists returned, political prisoners were released, and civil society and human rights activists pursued their work without disruption or intimidation by the state.

South and Central AsiaAfghanistan experienced continuing human rights challenges in 2011, including armed insurgent groups' killings of persons affiliated with the government and indiscriminate attacks on civilians. Corruption was pervasive. International organizations documented cases of alleged torture and abuse of detainees by the National Directorate for Security and Afghan National Police. Violence and discrimination against Afghan women and girls remained widespread, and in many cases, the police did not respond to such abuses. Women active in public life faced threats and violence and were attacked by the Taliban and other insurgents. A political dispute continued during the year over President Karzai's appointment of a special tribunal, not envisioned in the constitution, to adjudicate the disputed 2010 election results, until it was resolved in accordance with Afghan law in August.

In October, Kyrgyzstan experienced its first peaceful transfer of power in the republic's 20-year history. The elections, in which Almazbek Atambayev, the sitting prime minister, became president, were deemed generally transparent and competitive by independent observers. Ethnic tensions that had erupted in clashes in the south of Kyrgyzstan in 2010 continued in 2011, as did pervasive discrimination against ethnic Uzbeks and members of other minority groups. Law enforcement officers in the south reportedly committed such violations as arbitrary arrest, mistreatment, torture, and extortion against all demographic groups, but particularly against ethnic Uzbeks. The central government's inability to hold human rights violators accountable allowed security forces to act arbitrarily, emboldening law enforcement to prey on vulnerable citizens. Further, the weakness of central authority empowered mobs to disrupt dozens of trials by attacking defendants, attorneys, witnesses, and judges.

Pakistan continued to struggle with extrajudicial killings, torture, and forced disappearances committed by security forces and by extremist or separatist groups. These affected thousands of citizens in nearly all areas of the country. Both militant, terrorist, or extremist groups and security forces committed human rights abuses. Religious tensions remained high. On January 4, Punjab Governor Salman Taseer was assassinated by his bodyguard because of his opposition to the blasphemy law, which was used to clamp down on freedoms of expression and religion. On March 2, Federal Minister for Minorities Shabbaz Bhatti, the only Christian in the Pakistani Cabinet, was shot to death. Bhatti also was an

outspoken critic of the blasphemy law. The political, sectarian, and ethnic violence that has long plagued Karachi worsened during the year due in part to a large influx of Sindhi, Baloch, and Pashtun migrants following the 2005 earthquake and 2010 floods. Political parties and their affiliated gangs vied for political and economic control over these new populations. It was estimated that between 925 and 1,400 persons were killed due to sectarian and political violence in Karachi between January and August.

In Sri Lanka, disappearances and killings pro-government paramilitary groups continued, predominantly in Tamil areas. There were persistent reports of close, ground-level ties between paramilitary groups and government security forces. Civil society activists, persons viewed as Liberation Tigers of Tamil Eelam sympathizers, and journalists were attacked, intimidated or harassed by persons allegedly tied to the government. Torture and abuse of detainees and poor prison conditions remained a problem, and authorities arbitrarily arrested and detained citizens. A number of suspects died in detention under questionable circumstances. There was official impunity for a wide range of such human rights abuses. The president used his authority under the 18th Amendment, which passed in September 2010, to take greater control of appointments to previously independent public institutions that oversee compliance by the judiciary and the police, and with Sri Lanka's human rights obligations. A disproportionate number of victims of human rights abuses were Tamils.

In Uzbekistan, the centralized executive branch dominated political life and exercised nearly complete control over the other branches of government. Security forces reportedly tortured and abused detainees. Criminal suspects were denied due process and fair trial. Religious freedom was restricted, and religious minority group members were harassed and imprisoned. Other continuing human rights problems included: incommunicado and prolonged detention; harsh and sometimes life-threatening prison conditions; arbitrary arrest and detention; restrictions on freedoms of speech, assembly, and association; governmental restrictions on civil society activity; restrictions on freedom of movement; restrictions on the media; violence against women; and government-organized forced labor in cotton harvesting. Authorities subjected human rights activists, journalists, and others who criticized the government to harassment, arbitrary arrest, and politically motivated prosecution and detention. Government officials frequently engaged in corrupt practices with impunity.

Western HemisphereIn Cuba, the government continued its systemic repression of human rights and fundamental freedoms, including freedoms of speech, assembly, and association, and imposed severe restrictions on the media. The government strictly controlled all access to information. Human rights advocates were detained arbitrarily with increasing frequency; the number of short-term detentions doubled from 2010 to 2011. The government continued to organize mobs intended to intimidate opposition groups, particularly the Damas de Blanco ("Ladies in White"). These acts of repudiation ("actos de repudio") were particularly aggressive in July and August, and in October the government belied its claim that the mobs were spontaneous by announcing that it would deploy

them to prevent the Damas de Blanco from marching peacefully. Government officials and government-organized mobs detained, harassed, and assaulted dozens of peaceful human rights activists, journalists, and others to prevent them from marking Human Rights Day on December 10. Almost 800 detentions were recorded in December, a 30-year high.

Honduras had an extremely high murder rate, and crime and human rights abuses continued at very high levels. As in much of Central America, violence was perpetrated by gangs and drug trafficking organizations, and was a significant problem. The Honduran police force had deep-seated and unaddressed corruption problems, and police officers targeted vulnerable persons, including LGBT people. Four journalists were murdered. On December 7, unknown gunmen on a motorcycle shot and killed former senior government advisor on security Alfredo Landaverde. In the weeks preceding his death, Landaverde alleged that the National Police leadership was linked to organized crime and called for a clean-up. Police, vigilantes, and former members of the security forces carried out arbitrary and summary killings. The Honduran government established an independent internal affairs office and an outside police reform commission to address corruption in the National Police. In the Bajo Aguan region, there continued to be reports of killings of private security guards, agricultural workers, and security forces related to a land dispute.

In Mexico, the most serious human rights challenges in 2011 emanated from the country's fight against organized crime, which involved frequent clashes between security forces and drug cartels, which function as transnational criminal organizations (TCOs). Both TCOs and the gangs linked to them battled for control of drug trafficking routes and markets. TCOs remained the most significant perpetrator of violent crimes in Mexico. They engaged in human trafficking and used brutal tactics against citizens, including inhumane treatment, murder, and widespread intimidation. TCOs had a chilling effect on the media, executing bloggers who reported on their activities and threatening journalists who criticized them. In Nuevo Laredo, Tamaulipas, TCOs killed two bloggers in September and posted messages on their bodies warning of retaliation against anyone commenting about their activities on social media. A third Nuevo Laredo blogger was allegedly beaten and then killed in November, again in retaliation for posting comments on the Internet about local drug cartels. In the context of the fight against TCOs, but also at times unrelated to it, security forces reportedly engaged in unlawful killings, forced disappearances, and instances of physical abuse and torture.

In Venezuela, there was an accelerating concentration of power in the executive branch. President Chavez used a December 2010 law granting him broad authority to decree laws for a period of 18 months without consultation or approval by the elected National Assembly, to decree restrictions to fundamental economic and property rights. The government also took actions to impede freedom of expression and criminalize dissent. It harassed and intimidated privately owned television stations, other media outlets, and journalists throughout the year, using threats, fines, property seizures, targeted regulations, and criminal investigations and prosecutions.

Anti-Semitism colored official media attacks on opponents. The government used the judiciary to intimidate and prosecute political, union, business, and civil society leaders who were critical of government policies or actions.

EUROPE AND EURASIA

ALBANIA

EXECUTIVE SUMMARY

The Republic of Albania is a parliamentary democracy. The constitution vests legislative authority in the unicameral Assembly (parliament), which elects both the prime minister and the president. The prime minister heads the government, while the president has limited executive power. On May 8, the country held nationwide local elections, which the Organization for Security and Cooperation in Europe (OSCE) characterized as competitive and transparent, but nevertheless highly polarized, due to mistrust between political parties in government and in the opposition. Security forces reported to civilian authorities.

Corruption in all branches of government, and particularly within the court system, remained a serious problem. A highly polarized electoral environment characterized by incidents of fraud and controversial ballot counting undermined the right of citizens to change their government freely. Police beating and other mistreatment of suspects during detention and interrogation, sometimes to elicit confessions, were also significant problems.

Other human rights problems included some cases of physical mistreatment in police detention centers, domestic violence and discrimination against women, child abuse, and discrimination on the basis of ethnic minority status and sexual orientation and gender identity. Cases of trafficking in persons continued to be reported.

The government did not always take steps to prosecute officials who committed abuses. Many government officials enjoyed immunity from prosecution, and those with powerful business interests often were able to avoid prosecution. Some lower-level officials were punished for abuses, but police impunity for physical abuse persisted.

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year there was one incident in which government security forces killed four persons.

On January 21, Republican Guards shot at protestors during a violent opposition demonstration at the Prime Ministry. Four protestors were killed during the demonstration. The prosecutor general opened an investigation into the killings. The investigation proceeded slowly. As of year's end, no Republican Guards or government officials had been indicted for their roles in the shooting deaths.

On January 25, the Parliamentary Assembly of the Council of Europe (COE) passed a resolution calling on the international community and government, together with authorities in Serbia and Kosovo, to "undertake measures" to answer COE rapporteur Dick Marty's allegations that the Kosovo Liberation Army (KLA) and affiliates participated in the detention in Albania of civilian "prisoners of war" from Kosovo, who were held under inhumane conditions and subsequently believed to have been killed between July 1999 and mid-2000. A number of the persons killed allegedly were held at temporary locations at Bicaq, Burrel, Rripe, and Fushe-Kruje, and had organs removed at the time of their killings; their organs were trafficked out of Albania for medical use abroad.

The EU Rule of Law Mission in Kosovo (EULEX) War Crimes Unit maintained an open investigation into the Marty allegations. On November 11, lead investigator Clint Williamson met with Albanian officials to begin laying the groundwork for a planned three-year investigation. The government publicly expressed its willingness to cooperate with the investigation into the alleged crimes. The investigation was ongoing at year's end.

During the year there were continuing reports of societal killings, including both generational "blood feud" and revenge killings. Such killings sometimes involved criminal gangs. According to the Interior Ministry, there were five blood feud-related killings during the year. Blood feud cases are tried by district courts. The law

punishes premeditated murder, when committed for revenge or a blood feud, with 20 years' or life imprisonment.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such actions; however, police and prison guards sometimes beat and abused suspects and detainees.

During the violent political protest organized by the opposition on January 21 at which Republican Guards shot and killed four persons, protesters provoked and assaulted some police officers. Some of the police officers retaliated and severely beat protestors; dozens of police and protesters were injured.

There were no reported incidents of rape or other sexual abuse during arrest and detention or during institutional confinement.

The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhuman treatment. The majority of the complaints involved unjustified stops by police, detention past legal deadlines, failure to make citizens aware of their rights when detained, and poor conditions of detention centers. According to the AHRG, police more often mistreated suspects at the time of arrest or initial detention. The AHRG reported that abuse was more likely to occur in pretrial detention rather than prison facilities. Roma, Balkan-Egyptians, and members of marginalized communities, especially transgender and gay or lesbian individuals, were particularly vulnerable to police abuse.

Police sometimes used threats and violence to extract confessions.

Prison and Detention Center Conditions.—Prison conditions varied widely between prison facilities dating from the communist period and those opened after 1991. The facilities dating from the communist period had inadequate sanitation, ventilation, lighting, health care, and access to potable water. Access to modern medical care was not always available in prisons. Some facilities lacked the appropriate infrastructure and were overcrowded. Infrastructure conditions in some of the police detention facilities were very troubling. The Ombudsman's Office found corruption to be a serious problem in the country's detention centers. Prisons opened after 1991 generally met international standards.

At the end of November, there were 4,779 detainees in prisons and detention centers, including 94 female prisoners and 123 juveniles. There were no reports that authorities held minors together with adults. Men and women were held in separate facilities, and pretrial detainees were held separately from convicted prisoners.

Prisoners and detainees have the right to meet relatives, and meetings can occur up to four times per month for adults and up to eight times for juveniles. Prisoners and detainees are free to exercise their religion, and some facilities have special places for religious services. Prisoners and detainees are permitted to submit complaints to the ombudsman. Every penal installation has a mailbox in which prisoners and detainees are entitled to submit complaints without censorship. The ombudsman reported that this service was functional. The ombudsman position remained vacant from March 2010 until December 22, 2011, severely hampering the ability of the Ombudsman's Office to carry out many of its duties.

Prisoners and detainees are also entitled under the law to submit complaints to judicial and administrative authorities. Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations, although the results were not always easily accessible to the general public.

The government allowed local and international human rights groups, the media, International Committee of the Red Cross, as well as international bodies such as the Council of Europe's Committee for the Prevention of Torture, to monitor prison conditions.

d. Arbitrary Arrest or Detention.—The law and constitution prohibit arbitrary arrest and detention; however, there were some reports that police occasionally arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—Local police units report to the Ministry of Interior and are the main force responsible for internal security. The Republican Guard protects high-level state officials and residences. The armed forces are mainly responsible for protecting the independence, sovereignty, and territorial integrity of the country, with some additional tasks assisting the population in times of peace, crisis, or war. The State Intelligence Service gathers information and carries out foreign intelligence and counterintelligence activities aimed at protecting the state's integrity, independence, and constitutional order.

Civilian authorities maintained effective control over the police, Republican Guard, armed forces, and state intelligence services. The government has mechanisms to investigate and punish abuse and corruption, but there were reports of

unpunished abuse and corruption within state security agencies. In some instances police impunity was a problem. Despite improvements in law enforcement training and management, police did not consistently respect the rights of citizens and were not fully accountable to the rule of law. Police forces participated in internationally coordinated training on detainee rights. Visual aids outlining detainee rights and police responsibilities were posted in several police stations and detention facilities. Police launched a new database tracking tool that improved accountability for detainees.

Police officers did not enforce the law equally, and an individual's political or criminal connections often influenced enforcement of laws. Low salaries contributed to continued corruption and unprofessional behavior, which remained impediments to the development of an effective police force.

During the year the Ombudsman's Office processed complaints against police officers mainly on arrest and detention problems. The Ombudsman's Office received and made inquiries into 2,029 complaints during the year.

Arrest Procedures and Treatment While in Detention.—The constitution requires that a judge or prosecutor issue a warrant for a suspect's arrest based on sufficient evidence. There were no reports of secret arrests. The prosecutor may release the suspect or petition the court within 48 hours to hold the individual further. A court must decide within 48 hours whether to place a suspect in detention, require bail, prohibit travel, or require the defendant to report regularly to the police. In practice prosecutors requested and courts routinely ordered detention in many criminal cases. However, courts routinely denied prosecutors' requests for detention of well-connected, high-profile defendants. The constitution requires that authorities inform detained persons immediately of the charges against them and of their rights. Police sometimes failed to do so. Under the law, police must immediately inform the prosecutor of an arrest. There is not an effective system for handling the monetary aspect of bail. Instead, courts often order suspects to report to police or prosecutors on a weekly basis. Courts must provide indigent defendants with free legal counsel. This right was respected in practice and defendants were generally informed of this right.

Many suspects are ordered to remain under house arrest, often at their own request, because they receive credit for serving this time if they are convicted. House arrest is not effectively monitored, and suspects can freely move outside without being detected by authorities.

Arbitrary Arrest.—Arbitrary detentions or false arrests occurred infrequently.

Pretrial Detention.—At the end of November, there were 1,901 persons in pretrial detention centers and 2, 878 convicted persons in prisons. Thus, pretrial detainees constituted 39.7 percent of the total prisoner population. The law requires completion of most pretrial investigations within three months; however, a prosecutor may extend this period to two years or longer. The law provides that the maximum pretrial detention should not exceed three years; there were no reports that authorities violated this limit during the year. However, lengthy pretrial detentions often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. Under the law, a judge cannot hold an attorney in contempt of court to prevent such delaying actions by attorneys.

Limited material resources, lack of space, poor court calendar management, insufficient staff, and failure of attorneys and witnesses to appear prevented the court system from adjudicating cases in a timely fashion.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently. In addition, court hearings are often closed to the public. Court security officers routinely refuse entry to hearings and routinely call the presiding judge in each case to ask if the person seeking admission may attend the hearing. Some agencies routinely disregard court orders. The politicization of appointments to the High and Constitutional Courts threatened to undermine the independence and integrity of these courts.

On September 9, a remotely detonated bomb killed district court Judge Skerdilajd Konomi in Vlore. The investigation into his death was ongoing at year's end.

Trial Procedures.—The law provides that defendants are presumed innocent until convicted. The court system does not provide for jury trials. Defendants have the right to consult with an attorney, and to have one provided at public expense if they cannot afford one. Defendants have the right to confront witnesses against them, and present witness and evidence in their defense. Defendants have the right to appeal.

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

Regional Human Rights Court Decisions.—Citizens could appeal decisions involving alleged violations of the European Convention on Human Rights by the state to the ECHR after they had exhausted all possibilities for appeal in the country's court system.

Civil Judicial Procedures and Remedies.—Individuals and organizations may seek civil remedies for human rights violations; however, courts were susceptible to corruption, inefficiency, intimidation, and political tampering. Many court hearings were held in judges' offices, which contributed to a lack of professionalism and opportunities for corruption. These factors undermined the judiciary's authority, contributed to controversial court decisions, and led to an inconsistent application of civil law.

Property Restitution.—A large number of conflicting claims for private and religious property confiscated during the communist era remained unresolved. A 2010 European Parliament study found a lack of human resources, constant turnover within the Office for the Restitution of Property (ORP), failure to implement existing legislation, and allegations of corruption hampered efforts to restore property to rightful owners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the government generally respected these rights in practice; however, there were reports that the government and businesses influenced and pressured the media.

Freedom of Speech.—In general individuals could criticize the government publicly or privately without reprisal, although there were some exceptions. There were reports that some government employees were required to attend government rallies during the election campaign.

Freedom of Press.—The independent media were active and largely unrestrained, although there were cases of direct and indirect political pressure on the media, including threats against journalists. At times political pressure and lack of funding constrained the independent print media, and journalists reported that they practiced self-censorship. Political parties, trade unions, and other groups published newspapers or magazines independent of government influence.

The government controlled the editorial line of the public Albanian Radio and Television, which operated a national television channel and a national radio station and, by law, received 50 percent of its budget from the government. While private stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses. Business owners also freely used media outlets to gain favor and promote their interests with both major parties.

Violence and Harassment.—There were incidents of violence against members of the broadcast media during the year, and journalists were subject to pressure from political and business actors.

On January 21, police personnel beat journalist Ened Janina, political editor of the daily newspaper Shekulli, while he was covering a political demonstration in Tirana. According to Janina, a prosecutor initiated an investigation and received Janina's testimony shortly after the protest, but he was never summoned again to testify. The same day, reporter Fatos Mahmutaj was grazed by a bullet that killed a man standing on the media riser. Mahmutaj claimed on several television shows that the bullet wounding him and killing another man came from Republican Guard soldiers. Mahmutaj reportedly received several death threats after his public statements and left the country days after the protest. In the spring, Mahmutaj was granted political asylum in Belgium.

Reporter Artan Hoxha aired footage of the January 21 protest that allegedly showed how one of the protestors died. Hoxha stated that four days after the broadcast, unknown men handed his 10-year-old son at home an envelope that contained three bullets.

There were no reports of any specific government action to preserve media safety or to ensure the individuals who attacked journalists were prosecuted.

Censorship or Content Restrictions.—Journalists continued to complain that publishers and editors censored their work either directly or indirectly in response to

political and commercial pressures. Many journalists complained that their lack of employment contracts frequently hindered their ability to report objectively and encouraged them to practice self-censorship. Broadcasters and publishers complained that the government distributed its advertising based on favorable reporting rather than viewership or readership.

Libel Laws/National Security.—The law punishes libel with a prison sentence of up to two years and a fine. In November two parliamentarians filed libel cases against reporters. Both cases were ongoing at year's end.

In 2009 newspaper publisher Mero Baze was sued by appellate court judge Zegjine Sollaku for libel. The Tirana District Court ruled in favor of Baze. However, Baze claimed that in September 2010 the appellate court, without notifying Baze or his lawyer, ruled that he should pay Sollaku 10 million leks ($91,500) in moral damages and Baze's newspaper company should pay Sollaku 5 million leks ($45,750). Baze appealed the ruling to the High Court, which reportedly failed to inform Baze about their ruling upholding the lower court decision before initiating collection procedures.

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

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement.—Internal migrants must transfer their civil registration to their new community of residence to receive government services and must prove they are legally domiciled through property ownership, a property rental agreement, or utility bills. Many persons could not provide this proof and thus lacked access to essential services. Other citizens lacked formal registration in the communities in which they resided, particularly Roma and Balkan-Egyptians. The law does not prohibit their registration, but it was often difficult in practice to complete.

Protection of Refugees.—Access to Asylum.—The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Under the law, there is no time limit for requesting asylum, but the government must make the decision regarding granting asylum within 101 days of the initial request. The government generally complied with this time frame. The government actively cooperated with the UNHCR, which provided assistance to refugees.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Temporary Protection.—The government reported there were no refugees seeking temporary protection during the year.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections based on universal suffrage.

Elections and Political Participation.—Recent Elections.—On May 8, the country held nationwide elections for mayors and city councils that the OSCE/ODIHR election observation mission characterized as "competitive and transparent" but "highly polarized, with mistrust between political parties in government and opposition." The Central Election Commission's (CEC) decision to overturn initial results in the

mayoral contest in Tirana was widely perceived to be partisan and undermined confidence in its independence and impartiality.

Participation of Women and Minorities.—The law mandates that women fill 30 percent of appointed and elected positions, and the electoral code provides that 30 percent of candidates should be women. However, not all parties followed the electoral code. There were 23 women elected to the 140-seat parliament in 2009, an increase from nine in the previous parliament. These included the speaker and one woman in the Council of Ministers.

Civil registration requirements and lack of identification among the Roma population made it difficult for many of them to participate in the May 8 elections. Some Roma candidates were elected to local offices. International observers reported attempts to influence illiterate Roma voters. There were no Roma elected to parliament nor serving in ministerial or subministerial positions. Several members of the Greek minority served in parliament and in the executive branch in ministerial and subministerial positions, including as the minister of labor.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption in the executive branch was widespread and pervasive. The education system remained corrupt, and officials sometimes required bribes from students for them to matriculate or pass examinations. Doctors and other medical personnel frequently demanded payment to provide what should have been free government services. As in other sectors, high-profile defendants usually were found not guilty, even in the face of overwhelming evidence. While numerous low and mid-level officials were prosecuted and often convicted for corruption, prosecuting higher level officials remained problematic.

The government prosecuted corrupt officials and managed complaints regarding corrupt police through the ombudsman and the Internal Control Service of the Albanian State Police. However, broad immunity provisions for judges, members of parliament, and other high-level officials prohibit not only prosecution but any use of investigative measures, hindering the government's ability to prosecute high-level corruption.

The government's task force against organized crime coordinated anticorruption activities. The prime minister headed the task force, which included several ministers and heads of independent state-owned agencies, such as the public electricity company, and representatives of the police and intelligence organizations.

The joint investigative units to fight economic crime and corruption (JIUs) are multiagency units that investigated and prosecuted public corruption and other financial crimes. The JIUs continued to bring cases in numerous sectors rife with corruption.

The law prohibits government ministers and their close family members from owning a company directly tied to their official responsibilities. Since its inception in 2003, the High Inspectorate for the Declaration and Audit of Assets (HIDAA) has received assets declarations from officials. During the year HIDAA sent 16 cases to prosecutors for further investigation and facilitated the resolution of 210 conflict of interest cases. During the year there were 427 officials who declared their assets for the first time. During the year HIDAA fined 117 individuals for delaying their submissions and fined them for conflict of interest.

The Ministry of Interior reported that state police investigated 2,065 cases related to corruption and financial crimes during the year, and authorities arrested 266 persons. The courts ruled to confiscate assets in five cases totaling 259,830,519 leks ($2,377,700) and to sequester assets in 11 cases totaling 757,600,138 leks ($6,932,780).

Corruption in the judiciary is pervasive. Many judges issue rulings that do not appear to have any basis in law or fact, leading some to believe that the only plausible explanation is corruption or political pressure. Broad immunity enjoyed by judges prohibits prosecutors from investigating corruption allegations until they make a public request to the High Council of Justice to lift the accused judge's immunity, and receive its approval. Few judges have been prosecuted for corruption because most criminal investigations must remain secret, at least initially, in order to be successful.

Despite these obstacles, at least two corruption cases were pending against judges in which ordinary citizens recorded themselves offering a bribe to the judge, then provided the video to prosecutors. In a recent similar case involving video of a prosecutor discussing a bribe, however, the Court of Appeals reversed the conviction,

concluding that the recording could not be used unless it was "authorized" by law enforcement.

The law provides public access to government information, but the process for making the information public was often not clear, and officials were sometimes reluctant to release information.

The law requires public officials to release all information and official documents with the exception of classified documents and state secrets. Citizens often faced serious problems in obtaining such information. Most government ministries and agencies posted public information directly on their Web sites. However, businesses and citizens complained of a lack of transparency and the failure to publish regulations or legislation that should be basic public information.

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

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

Government Human Rights Bodies.—The ombudsman is the main human rights institution for promoting and enforcing human rights. The ombudsman has the authority to monitor judicial proceedings, inspect detention and prison facilities, and initiate cases in which a victim is unwilling or unable to come forward. Although the ombudsman lacked the power to enforce decisions, he acted as a monitor for human rights violations. The most common cases included citizen complaints of police abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes. The ombudsman reports to parliament annually. The vacancy in the ombudsman position for nearly the entire year hampered many of the office's activities. Support staff at the ombudsman's office was able to perform some of the ombudsman's functions during the year.

The parliament has a committee on legal issues, public administration, and human rights. However, this committee largely was ineffective on human rights problems and remained constrained in its work by the Socialist Party parliamentary boycott that continued until September.

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

The law prohibits discrimination on the basis of gender; race; color; ethnicity; language; gender identity; sexual orientation; political, religious, or philosophical beliefs; economic, education, or social situation; pregnancy; parentage; parental responsibility; age; family or marital condition; civil status; residence; health status; genetic predispositions; disability; or affiliation with a particular group. No cases have been presented in court to test enforcement since the law was passed in 2010.

Women.—Rape and Domestic Violence.—The criminal code penalizes rape, including spousal rape; however, victims rarely reported spousal abuse, and officials did not prosecute spousal rape in practice. The concept of spousal rape was not well established, and authorities and the public often did not consider it a crime. The law imposes penalties for rape and assault depending on the age of the victim. For rape of an adult, the prison term is three to 10 years; for rape of an adolescent between the ages of 14 and 18, the term is five to 15 years; and, for rape of a child under the age of 14, the sentence is seven to 15 years.

Domestic violence against women, including spousal abuse, remained a serious problem. During the year police reported cases of domestic violence and the government pressed charges in some cases. The Department of Equal Opportunities at the Ministry of Labor, Social Affairs, and Equal Opportunity covers women's issues, including domestic violence.

The government opened a new shelter for domestic violence victims in Tirana on April 24 that assisted 10 women and 25 children during the year; however, non-governmental organizations (NGOs) complained that the state-run shelter could not accept victims without a court order. NGOs operated 15 shelters in Albania, six in Tirana and nine outside the capital. Police reported they received 2,349 domestic violence-related complaints through their emergency hotline. According to government figures, there were 2,181 cases of domestic violence reported during the year, compared with 1,744 in 2010. There were 1,779 cases involving female victims and 402 cases involving male victims. Police often did not have the training or capacity to deal with domestic violence cases.

Sexual Harassment.—The law prohibits sexual harassment; however, officials rarely enforced the law. In many communities women were subjected to societal discrimination as a result of traditional social norms that considered women to be subordinate to men.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. Citizens have access to contraception. Under the law, health care is provided to all citizens; however, the quality of and access to care, including obstetric and postpartum care, was not satisfactory, especially in the remote rural areas. This was due mainly to a lack of resources as well as poor local governance and resource management problems in rural areas. Women were equally diagnosed and treated for sexually transmitted infections, including HIV.

Discrimination.—The law provides equal rights for men and women under family law and property law, and in the judicial system. Women were not excluded from any occupation in either law or practice, but they were underrepresented at the highest levels of their fields. Although the law mandates equal pay for equal work, the government and employers did not fully implement this provision.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory and/or from a parent. In general parents are required to register the birth of a child in the community where they are registered within 60 days if they are residing in the country or 90 days if they are residing abroad.

According to the Children's Rights Center of Albania (CRCA), children born to internal migrants or those returning from abroad frequently had no birth certificates or other legal documentation and, as a result, were unable to attend school. This was particularly a problem for Romani families, who often married young and failed to register the birth of their children.

Education.—The law provides for nine years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever occurs first. In practice many children left school earlier than the law allowed to work with their families, particularly in rural areas. Parents must purchase supplies, books, uniforms, and space heaters for some classrooms, which were prohibitively expensive for many families, particularly Roma and other minorities. Many families also cited these costs as a reason for not sending girls to school.

Child Abuse.—Child abuse, including sexual abuse, occurred, although victims rarely reported it.

Child Marriage.—The minimum age for marriage is 18. Underage marriages occur infrequently, mostly in rural areas. According to UNICEF statistics, 10 percent of women were married or in union before they were 18 years of age. Some NGOs have reported child marriages occur in rural communities as part of human trafficking schemes. Parents give permission for their girls to marry older foreign men who subsequently traffic them into other countries.

Sexual Exploitation of Children.—In some cases children under the age of 18 engaged in prostitution. The penalties for the commercial sexual exploitation of children range from fines to 15 years' imprisonment. The country has a statutory rape law and the minimum age of consensual sex is 14. The penalty for statutory rape of a child under the age of 14 is a prison term of five to 15 years. The law prohibits making or distributing child pornography; penalties are a fine of 1 million leks to 5 million leks ($9,150 to $45,750) and a prison sentence of one to five years.

Displaced Children.—Displaced and street children remained a problem, particularly Romani children. Street children begged or did petty work; some migrated to neighboring countries, particularly during the summer. These children were at highest risk of trafficking, and some became trafficking victims. Very few child trafficking cases were prosecuted.

Institutionalized Children.—There were reports that orphans leaving the custody of the state at adulthood faced significant challenges finding adequate housing and services.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were reportedly only a few hundred Jews living in the country. There were no reports of anti-Semitic acts.

In September the government recognized Judaism as an official religion.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. However, employers, schools, health care providers, and providers of other state services sometimes discriminated against such persons. The law mandates that new

public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

Persons with disabilities are not restricted from participating in civic affairs. However in practice resource constraints and lack of infrastructure make it difficult for them to participate fully in many activities. The government has set up social services agencies to protect the rights of persons with disabilities, but the agencies are often unable to implement their programs for lack of funding.

The ombudsman regularly inspects mental health institutions. The admission and release of patients at mental health institutions was a problem due to lack of sufficient financial resources to provide adequate psychiatric evaluations.

National/Racial/Ethnic Minorities.—There were reports of significant societal discrimination against members of the Romani and Balkan-Egyptian communities. Some schools resisted accepting such students, particularly if they appeared to be poor. Local NGOs reported that many schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students. In February two men set fire to a Romani settlement in Tirana, destroying dozens of homes and forcing the entire community to relocate. The men admitted to their crime in a deal that guaranteed a reduced sentence and excluded the Romani victims from seeking damages for the property destruction. In November the Tirana District Court ruled that the arson did not constitute a hate crime because it did not involve the use of "words or writing." The government had not provided the victims with an adequate permanent housing solution at year's end.

The law permits official minority status for national groups and separately for ethnolinguistic groups. The government defined Greeks, Macedonians, and Montenegrins as national groups; Greeks constituted the largest of these. The law defined Aromanians (Vlachs) and Roma as ethnolinguistic minority groups.

The ethnic Greek minority pursued grievances with the government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders cited the government's unwillingness to recognize ethnic Greek towns outside communist-era "minority zones," to utilize Greek in official documents and on public signs in ethnic Greek areas, or to include a higher number of ethnic Greeks in public administration. The government translated election materials into Greek and Macedonian for the May 8 elections.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibited discrimination against lesbian, gay, bisexual and transgender (LGBT) individuals; however, no official claims of discrimination were made, and the government has not had an opportunity to enforce the law.

Despite the law and Albania's formal support for LGBT rights, homophobic attitudes remained. In December 2010 the vice chairman of the Parliamentary Commission for Social Issues and Health stated during a hearing that "homosexuality should be cured with hormonal treatment and psychological consultations." After an appeal by LGBT groups, the commissioner against discrimination sent a letter to the vice chairman on September 30 recommending he avoid discriminatory remarks and clarifying that homosexuality was not a disease. LGBT NGOs reported some discrimination and loss of employment due to sexual orientation. Reports of police harassment of LGBT persons and police brutality against transgender sex workers were verified.

Several NGOs were active in promoting LGBT rights in Albania.

Other Societal Violence or Discrimination.—The law prohibits discrimination against persons with HIV/AIDS; however, enforcement at times was lacking. There is a general social stigma against persons with HIV/AIDS, although there were no reports of violence against such individuals during the year.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—Workers have the right to form independent unions, conduct legal strikes, and bargain collectively, and they exercised these rights in practice. The law prohibits members of the military and senior government officials from joining unions, and requires that a trade union have at least 20 members to be registered. The law provides the right to strike for all workers except uniformed military, police, indispensable medical and hospital personnel, persons providing air traffic control and prison services, and both essential and nonessential workers in water and electrical utilities. Workers not excluded by their position exercised their right to strike in practice.

The law prohibits antiunion discrimination and provides for reinstatement for workers fired for union activity. In practice, domestic and migrant workers rarely are protected by these laws.

Civilian workers in all fields have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements. Unions representing public sector employees negotiated directly with the government. Effective collective bargaining remained difficult, and agreements were hard to enforce. Unions are often associated with political parties, and strikes sometimes became politicized. The law prohibits strikes that courts judge to be political.

Miners at the Bulqiza chromium mine initiated a hunger strike in July to demand increased wages, improved working conditions, and a lower retirement age, among other demands. Negotiations between the mine owner, ACR Decometal, and miners' unions repeatedly failed. ACR refused to negotiate with union representatives because it claimed union organizers were instigating the strike for personal and political gain. In an effort to end the strike, ACR requested miners sign individual contracts that would allow ACR to reorganize the miners' union. The company relented in September, and the miners ended the strike on mutually agreed upon terms after nearly three months.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, including by children; however, women and children were trafficked for labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age of employment at 16 years and regulates the amount and type of labor that children under the age of 18 may perform. Children between the ages of 16 and 18 can work in certain specified jobs. While the law provides that the Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing minimum age requirements through the courts, it lacked resources to adequately enforce the law. Labor inspectors investigated the formal labor sector, whereas most child labor occurred in the informal sector. Most labor inspections occurred in shoe and textile factories; some instances of child labor were found during these inspections.

The law criminalizes exploitation of children for labor or forced services, but the government did not enforce the law effectively. According to a CRCA estimate released in 2010, more than 50,000 children under the age of 18 worked at least part time. The CRCA reported that the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, miners, or shoeshine boys. Research suggested that begging started at a young age—as early as four or five years of age. While the criminal code prohibits the exploitation of children for begging, police generally did not enforce this law.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm

d. Acceptable Conditions of Work.—The national minimum wage was 20,000 leks ($183) per month. According to INSTAT, the average wage for government workers in the second quarter of the year was 47,000 leks ($430) per month. In comparison, the national poverty threshold in 2010 was $61 per month. The Albanian Institute of Statistics reported that average monthly wages in the public sector had increased 6.6 percent from 2010. The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing the minimum wage. The law establishes a 40-hour workweek; however, individual or collective agreements typically set the actual workweek. The law establishes paid annual holidays, but in practice only employers in the formal labor market guaranteed the right to paid holidays. Many persons worked six days a week. The law requires payment of overtime and rest periods, but employers did not always observe these provisions in practice. The law limits the maximum hours of work per week to 50, and provides for premium pay for overtime. The government had no standards for a minimum number of rest periods per week and rarely enforced laws related to maximum work hours, limits on overtime, or premium pay for overtime. In practice these laws did not often apply to workers in the informal sector such as domestic employees and migrant workers.

The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing occupational health and safety standards and regulations. Enforcement was lacking overall. Workplace conditions frequently were very poor and, in some cases, dangerous. Penalties often do not deter violations because law enforcement agencies lack the tools to enforce collection and consequently rarely charge violators.

Some serious industrial accidents resulting in deaths occurred during the year, particularly in the mining sector. Following a prolonged strike and mine inactivity, on October 18, an explosion in the Bulqiza chromium mine killed one miner and injured eight others. A short time later, a landslide in the mine killed a second miner. Wage and occupational safety standards violations occur most frequently in the textile and shoe industries, construction, and mining sectors.

ANDORRA

EXECUTIVE SUMMARY

The Principality of Andorra is a constitutional parliamentary democracy. Two coprinces—the president of France and the Spanish bishop of La Seu d'Urgell—serve with joint authority as heads of state, and a delegate represents each in the country. On April 3, the country held free and fair multiparty elections for the 28 seats in the General Council of the Valleys (the parliament), which selects the head of government. Having won a majority in the parliament, the Democrats for Andorra (DA) elected Antoni Marti Petit as head of government. The national police, the country's sole security force, reported to civilian authorities.

The most significant human rights problem in Andorra is the failure of the law to protect effectively the right of workers to bargain collectively or to strike. Pretrial detention of up to a year reportedly existed for foreigners charged with crimes involving two or more countries.

There were no reports that government officials or the national police committed abuses or acted with impunity.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers. There were no reports of deaths in prison or the pretrial detention center.

According to information obtained from the government, as of September, there were 36 adults, six women and 29 men, as well as one minor in incarceration. The only prison and detention center in the country had a capacity of 125 persons.

The prison regime separated prisoners according to gender, age, and other personal circumstances. Conditions of prisoners were the same regardless of gender. Prisoners had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions and the government permitted monitoring by independent nongovernmental observers. There is no prison ombudsman, but the country's ombudsman is allowed to visit prisoners without restriction. The government investigated and monitored prison and detention center conditions.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police, the country's only security force, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving police during the year.

Arrest Procedures and Treatment While in Detention.—Warrants are required for arrest. Police legally may detain persons for 48 hours without bringing them in front of a judge. The judge then has up to 24 hours to charge the detainee with a crime or to release him. Police generally observed this time limit in practice. A system of bail exists. The law allows detainees to have prompt access to a lawyer. Persons charged with a crime may either choose their own lawyer or accept one designated by authorities. Detainees generally had prompt access to family members.

Foreigners accounted for most cases of lengthy (up to one year) detentions, primarily because such cases often involved two or even three countries.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public, and defendants can request a jury. Defendants have the right to be present and consult with an attorney in a timely manner. If a defendant facing serious criminal charges cannot afford an attorney, the government must appoint a public attorney. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and attorneys have access to government-held evidence in their cases. The law extends the rights to all citizens with no exception. Defendants have the right to appeal.

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

Regional Human Rights Court Decisions.—The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). During the year the court made no rulings involving Andorra.

Civil Judicial Procedures and Remedies.—The judiciary is independent and impartial in civil matters. Plaintiffs can bring lawsuits seeking damages for, or cessation of, a human rights violation. They may appeal adverse rulings to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

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

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Protection of Refugees.—Access to Asylum.—The country's laws do not provide for the granting of asylum or refugee status. However, the government from time to time cooperated with the UNHCR and other organizations in assisting refugees "for humanitarian reasons."

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

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

Elections and Political Participation.—Recent Elections.—Observers considered the General Council elections on April 3 to be free and fair.

Participation of Women and Minorities.—After the elections on April 3, there were 15 women in the 28-seat parliament, a majority for the first time. Two women sat in the nine-seat cabinet.

Citizens were ethnically and linguistically homogeneous but represented only 38 percent of the country's population. The majority of the population consists largely of immigrants from Spain, Portugal, and France. Because only citizens have the right to vote and hold official position, there were no members of minorities in government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

Public officials are not subject to financial disclosure laws. The Unit for the Prevention and the Fight against Corruption is the governmental agency responsible for the implementation and monitoring of the provisions contained in the law.

The law provides for public access to government information, and the government permitted access in practice for citizens and noncitizens, including foreign media.

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

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

U.N. and Other International Bodies.—From November 28 to December 1, a delegation from the Council of Europe's Committee to Prevent Torture made a periodic visit to the country to review the safeguards afforded to persons detained by the police following recent legislative reforms and to the conditions of detention in the country. The committee did not release the report by the end of the year.

Government Human Rights Bodies.—The ombudsman's main function is to defend and oversee the fulfillment and application of the rights and liberties included in the constitution and to ensure that the performance of the public sector adheres to constitutional principles. The ombudsman is independent from other institutions and provides its functions free of charge for interested persons. The ombudsman enjoyed the government's cooperation and operated without government interference. In general the ombudsman had adequate resources and was considered effective. The ombudsman makes a published annual report to parliament with recommendations.

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

The constitution and law declare all persons equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, opinions, disability, language, or social condition. For the most part, the government effectively enforced these provisions.

Women.—Rape and Domestic Violence.—The law prohibits rape, including spousal rape; both of which are punishable by up to 15 years' imprisonment. Authorities enforced the law effectively, but there were no rape cases reported during the year.

The law penalizes domestic violence with a sentence of up to three years for physical or psychological violence. The government enforced the law effectively, and there was no police or judicial reluctance to act. According to the Ministry of Health, Welfare, and Family, there were 185 reports of physical abuse against women during the year, a decrease from 2010 when 192 were reported in the first six months. Of the 185 cases to which the State Secretariat for Equality and Welfare of the Ministry of Health attended, 35 percent of the women were Portuguese nationals and 30 percent Spanish. About 50 percent of the cases resulted in conviction or punishment.

Victims of domestic violence could also request help from the Andorran International Women's Association (AIWA) and the Andorran Women's Association, but victims rarely filed a complaint with police due to fear of reprisal. In December 2010 the government opened its first shelter for women. Four families have been accommodated in the shelter, while an additional five families chose to stay in a hotel that the government put at their disposal. In addition, the government and AIWA placed abused women and their children in the private apartments of families who agreed to provide them with shelter. The government also operated a hotline and provided medical and psychological services to victims of domestic violence. Caritas, a religious nongovernmental organization (NGO), worked closely with the government and AIWA on social problems.

Sexual Harassment.—The law prohibits sexual harassment under the provisions for other sexual aggressions, punishable by three months' to three years' imprisonment.

Reproductive Rights.—Couples and individuals have the right to decide freely the number of children they wish to have. There was easy access to contraception and skilled attendance during childbirth. Women and men were treated equally for sexually transmitted infections.

Discrimination.—The law prohibits discrimination against women privately or professionally; however, the USDA, an NGO working for women's rights, and trade union representatives, reported cases of gender discrimination especially related to unequal salaries for the same work. Caritas estimated that women earned 26 percent less than men for comparable work. The government made an effort to combat pay discrimination in general, and it applied pay equality within the government. There are no limitations on women's participation in the labor market, and the government encouraged women to participate in politics.

Children.—Birth Registration.—Citizenship is derived from one's parents; birth in the country's territory does not confer citizenship.

Child Abuse.—Violence against children persisted, although it decreased from the 222 minors treated for various forms of abuse in 2010 to the 183 treated in 2011. Authorities placed eight minors with a shelter family.

Sexual Exploitation of Children.—The country's general law against rape also covers statutory rape. Child pornography is illegal and carries a prison sentence of up to four years. The age of majority, 18 years, is also the age of consent. The penalty for statutory rape is 15 years' imprisonment, the same as for rape in general.

International Child Abductions.—On July 1, the 1980 Hague Convention on the Civil Aspects of International Child Abductions entered into force for the country.

Anti-Semitism.—There were no reports of anti-Semitic acts against the approximately 500-person Jewish community.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government enforced it effectively. The law mandates access to public buildings, information, and communications for persons with disabilities, and the government generally enforced this provision. Nevertheless, societal discrimination against persons with disabilities existed on a small scale in the form of social and cultural barriers. Persons with disabilities also faced disadvantages in the labor market.

According to the National Commission of Assessment (Conava), schools continued to implement the law to adapt infrastructure to the needs of children with disabilities. An association for persons with disabilities operated in the principality. There is no restriction for persons with disabilities to participate in civic affairs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—On the basis of constitutional provisions for the right to freedom of ideas, religion, and ideology, the government acts against any discrimination that may occur in the country. There were no reports of official or societal discrimination based on sexual orientation or gender identity in employment or occupation, housing, or access to education or health care.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS. However, the government bars immigrants with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution and law recognize that workers have the right to form trade unions to defend their economic and social interests. However, the law does not provide for collective bargaining or the right to strike. Alternate dispute mechanisms such as mediation and arbitration exist. Unions continued to criticize the lack of laws that effectively develop and protect the constitutional rights of workers.

In practice the government lacked mechanisms to protect worker rights. Neither collective bargaining nor strikes occurred during the year. On May 1 (Labor Day), a holiday in the country for the first time, approximately 50 workers conducted a peaceful demonstration calling on the government to approve new laws further developing workers rights. While the law does not prohibit antiunion discrimination, there were no official reports that it occurred during the year. However, workers

continued to be reluctant to admit to union membership, fearing retaliation by their employers, and unions did not make their membership numbers public.

b. Prohibition of Forced or Compulsory Labor.—Slavery and forced or compulsory labor are punishable by a maximum of 12 years in prison. There were no reports that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment.—Without exception, the law prohibits children younger than 14 from working. Children aged 14 and 15 may work up to two months per year during school holidays following strict regulations contained in the law. Laws limit work by children aged 14 and 15 to no more than six hours per day and by children aged 16 and 17 to eight hours per day, provide for safety restrictions, restrict the type of work children may perform, and outline other conditions.

Laws protect children from exploitation in the workplace, and the government effectively enforced these laws.

The labor inspection office in the Ministry of Social Welfare, Public Health, and Labor effectively enforced child labor regulations.

d. Acceptable Conditions of Work.—The national minimum wage is 5.36 euros ($ 6.97) per hour and 929.07 euros ($1,210) per month. The labor inspection office enforced the minimum wage effectively. The law limits the standard workweek to five eight-hour days for a total of 40 hours per week. Workers may work up to two overtime hours per day or 15 hours per week, 50 hours per month, and 426 hours per year. The law provides for premium pay of time plus 25 percent the first four hours per week and time plus 50 percent the following four hours. There is a required rest period of 12 hours between working shifts.

The labor inspection office sets occupational health and safety standards and has the authority to levy sanctions and fines against companies violating them. The law includes agricultural, domestic, and migrant workers. Penalties were sufficient to deter violations and identify specific government action during the year to prevent violations and improve wages and working conditions, particularly for hazardous sectors or vulnerable groups.

During the year the labor inspection office received 101 complaints against companies for violating health and safety regulations. Accidents at work declined from 4,019 in 2010 to 3,725 in 2011. The majority of reported accidents came from the construction, motor, and machinery sectors.

ARMENIA

EXECUTIVE SUMMARY

Armenia's constitution provides for a republic with an elected head of state and a unicameral legislature, the National Assembly. In 2008 Serzh Sargsian became president after a significantly flawed election. The ruling coalition, led by Sargsian's Republican Party of Armenia, continued to dominate the political system. Security forces reported to civilian authorities.

The most significant human rights problems were limitations on citizens' right to change their government, freedom of speech and press, and the independence of the judiciary. The government released the remaining six opposition members detained in connection with the 2008 clashes between security forces and protesters disputing the outcome of the 2008 presidential election. Since April 28 the government began permitting demonstrations and opposition rallies in previously restricted areas of the capital city, and all were held without incident, although demonstrators from outside of Yerevan at times were impeded in their attempts to travel to rallies. The media, in particular television, continued to lack diversity of political opinion and objective reporting. The government decriminalized libel and defamation but established high new civil fines that encouraged journalists and media outlets to practice self-censorship. The process used to switch from analog to digital television reduced media pluralism. Courts remained subject to political pressure from the executive branch, and judges operated in a judicial culture that expected courts to find the accused guilty in almost every case.

During the year suspicious deaths occurred in the military under noncombat conditions, while hazing and other mistreatment of conscripts by officers and fellow soldiers, and a lack of accountability for such actions, continued. Allegations of torture continued. Many prisons were overcrowded, unsanitary, and lacking in medical services for inmates. Police reportedly beat citizens during arrest and interrogation. Authorities continued to arrest and detain criminal suspects without reasonable suspicion and to detain individuals arbitrarily due to their opposition political affili-

ations or political activities. Authorities and laws restricted religious freedom for certain groups. Corruption remained a problem, with authorities taking limited measures to curb it. Domestic violence remained a problem but largely went unreported to authorities. Human trafficking was a problem, but authorities made efforts to combat it. Persons with disabilities experienced discrimination in almost all areas of life. Lesbian, gay, bisexual, and transgender (LGBT) persons were subjected to societal abuse and discrimination by military and prison authorities. There were reports of forced labor. Workers' rights were limited and existing labor laws weakly enforced.

Although the government took some steps to punish officials in the security forces and elsewhere who committed abuses, some members of the security forces continued to commit human rights abuses with impunity while under the direction of civilian leadership. A government-issued report on the deaths of eight civilians and two police officers killed in the 2008 postelection violence did not identify the individuals responsible for the deaths and largely justified the police response.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed arbitrary or unlawful killings, but noncombat deaths in the army continued to be a problem. The government reported that during the year 15 military servicemen died under noncombat conditions, a decrease from 2010.

On June 29, soldier Tigran Hambardzumyan's mutilated body was discovered in a forest near a military unit based in Kapan. Military officials claimed Hambardzumyan had left the base the day before and committed suicide.

Authorities initiated an investigation into the death on suspicion of inducing suicide, but by the end of the year there were no defendants or suspects in the case. According to the parents, the place and circumstances under which their son's body was discovered did not match the official version, and no fingerprints were discovered on the razor blade Hambardzumyan allegedly used to commit suicide. According to official information the razor blade was found more than 50 feet away from the body. The parents claimed their son was killed by somebody from the officer corps, but their attempts to open a murder investigation were unsuccessful. At the end of the year, the investigation continued.

On June 15, the Court of Appeals affirmed the 2010 conviction of police officers Ashot Harutyunyan and Moris Hayrapetyan for inducing the April 2010 suicide of Vahan Khalafyan while he was in police custody. The court also affirmed the acquittal of officers Garik Davtyan and Gagik Ghazaryan, who had been charged with abuse of power in the case. The court applied the May 26 amnesty resolution, reducing the remaining part of Harutyunyan's eight-year sentence by one-third and cancelling Moris Hayrepetyan's suspended sentence.

On August 22, five defendants—Captain Hakob Manukyan, Senior Lieutenant Vahagn Hayrapetyan, and Privates Adibek Hovhannisyan, Haroutik Kirakosyan, and Mkhitar Mkhitaryan—went on trial for inducing the suicide of Lieutenant Artak Nazaryan in 2010. The Helsinki Association's review of the investigation alleged nearly 100 procedural and material violations, including destruction of the fingerprints on the weapon and of the cartridge case of the weapon. Nazaryan's family claimed that Nazaryan did not commit suicide and unsuccessfully appealed to initiate a new criminal case for murder. The defendants also denounced the conduct of the investigation and claimed to be innocent. In an interview with Radio Liberty on December 5, Manukyan's defense attorney claimed that the five defendants were scapegoats. The trial continued at the end of the year.

Human rights observers asserted that in a majority of reported incidents of hazing and deaths in the military, authorities presented a sanitized version of events and focused their follow-up investigations on reinforcing the initial versions. Observers claimed that the armed forces in most cases declined to punish those responsible.

In April President Sargsian called for a more energetic approach to the investigation of the deaths of eight civilians and two police officers killed in 2008 as a result of clashes between security forces and protesters disputing the results of the 2008 presidential election. The Special Investigative Service issued a report on December 23 on the status of the ongoing investigation. The report did not identify individuals responsible for the deaths and largely concluded that the police response was justified. Opposition and human rights figures strongly criticized the report.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. According to government sources, land mines that were placed along the

border with Azerbaijan and along the line of contact in the Nagorno-Karabakh conflict killed one and injured three military personnel.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, members of the security forces continued to employ them regularly. Witnesses reported that police beat citizens during arrest and interrogation. Human rights nongovernmental organizations (NGOs) made similar allegations, but noted that most cases of police mistreatment were unreported due to fear of retaliation. According to human rights groups, many individuals transferred to prisons from police facilities alleged that police tortured, abused, or intimidated them while they were in police custody mainly to extort confessions. Most abuses reportedly took place in police stations, which were not subject to public monitoring, rather than prisons and police detention facilities, which were.

For example, on May 17, the Civil Society Institute called for fairness in the trial of Stepan Hovakimyan and Vahram Kerobyan, who claimed that they confessed to theft in a downtown Yerevan cinema only after police subjected them to repeated physical and psychological abuse. The Civil Society Institute asked for an independent investigation of the defendants' torture allegations and an end to the practice of basing cases on self-incriminatory confessions. According to his lawyer, Hovakimyan was illegally summoned to the police department of Yerevan's Kentron district several times and subjected to physical and psychological abuse in order to elicit a confession. Hovakimyan finally confessed after the police officers threatened to abuse him sexually and to "bring in" his girlfriend. According to the lawyer, the alleged victim of the larceny reported the crime only after Hovakimyan had confessed, and police were thus carrying out an investigation before a crime was reported. Observers reported that no credible investigation was conducted into the allegations of torture and the court disregarded Hovakimyan's statements that the confession was obtained under duress. The trial continued at year's end.

On June 21, the Public Monitoring Group of Police Detention Facilities (PMG) released its annual report covering 2010. The report noted that 175 of the 888 persons transferred from police stations to police detention facilities in the capital of Yerevan showed bruises and bodily injuries. The causes of the injuries were not identified, and no one was held responsible for them. The report described inadequate conditions for women and juveniles at police detention facilities. According to the PMG, the absence of female police officers in the police detention facilities resulted in violations of a number of rights of female arrestees, as well as some cases of degrading treatment.

In February the Office of the Human Rights Defender (the ombudsman's office) released its 2010 annual report. It stated that citizen complaints about illegal actions by police, including allegations of torture, continued to grow in comparison with previous years. The complaints mostly concerned citizens who claimed they had been summoned to police stations, detained there illegally, and subjected to inhuman treatment, including torture and beating. Complainants also alleged that police officers sought to extort confessions through violence, threats, and unlawful pretrial detention. According to the report, police routinely provided uninformative, formulaic responses to the ombudsman's inquiries about allegations of abuse. The report added that such an atmosphere of impunity contributed to the increase in such abuse.

Within the armed forces, substandard living conditions, corruption, and the impunity and lack of accountability of commanders continued to contribute to mistreatment and noncombat injuries. Although no reliable statistics on the prevalence of military hazing were available, soldiers reported to human rights organizations that abuses continued. Soldiers' families claimed that corrupt officials controlled military units, while human rights monitors and the ombudsman reported that the government conscripted soldiers with serious disqualifying health conditions. According to official information, during the year courts convicted 248 military personnel of hazing and related violations and 27 additional trials were underway at year's end.

The ombudsman's 2010 annual report stated that the content of the complaints about military conscription were unchanged from those received in 2009. In general the applicants complained that medical examination commissions made incorrect assessments about recruits' fitness for military service, and immediate supervisors, commanders, and others used violence toward conscripts at the military units, and that military units failed to provide proper medical care to sick conscripts. On December 30, conscript Hayk Khachatryan died of complications from chicken pox. The family blamed the doctors of the military hospital for negligence and the commander of his unit, who disregarded Khachatryan's complaints and forced him to run more than six miles.

Prison and Detention Center Conditions.—According to official data, the number of deaths in prisons during the year was 32, compared with 37 in 2010, with most deaths in both years listed as the result of illness and some from suicides. Human rights organizations attributed the deaths to overcrowding, the poor condition of the buildings, and negligence in providing healthcare to inmates. Human rights monitors and the ombudsman reported overcrowding, poor sanitary conditions, and inadequate medical care and meals at penitentiaries. Prisons were connected to local potable water supply networks but experienced occasional disruptions in service.

Although the number of inmates in prisons was reduced as a result of an amnesty adopted by the National Assembly on May 26, overcrowding remained a significant problem. There were no reports of steps to use alternative sentencing for nonviolent offenders or to improve recordkeeping. Prisons did not have ombudsmen.

Human rights activists and attorneys continued to voice concerns over the performance of the Commissions on Early Release and Release on Parole. The Chamber of Advocates, the country's bar association, protested the absence of strict criteria guiding the commissions' decision making and withdrew their representatives from the commissions in January. The absence of an appeal mechanism and the overrepresentation of law enforcement representatives on the commissions remained obstacles to due process.

The Civil Society Monitoring Board (CSMB) consisting of NGO representatives continued reporting to the Ministry of Justice on the deteriorating health of convicts whom they claimed remained in prison despite being qualified for early release. The interagency medical commission in charge of considering the early release of prisoners on health grounds was generally very slow to act.

During the year, according to authorities, the average number of persons in penitentiaries was 4,812. This included an average of 393 pretrial detainees and 432 detainees whose cases were in progress or who were awaiting verdicts. Pretrial detainees were confined separately from convicts. The total capacity of all penitentiary institutions was 4,395 persons.

The average numbers of women and juveniles held in the Abovian penitentiary for women and juveniles during the year were 198 and 34, respectively. One of the 34 juvenile prisoners was female. There were no facilities for female juvenile convicts, mainly because juvenile girls were rarely convicted. When convicted they were held with adult women. Inmates were housed in large dormitories—with women housed separately from juvenile boys; according to domestic observers, this arrangement generated conditions that were worse than those observed at penitentiaries where inmates were confined in separate cells.

Overcrowding in police detention cells and the use of these cells as holding centers for pretrial detainees were described as significant problems in the PMG's 2010 report. By law pretrial detainees may not be held in police detention cells for more than three days, since cells are not equipped to offer detainees suitable conditions for longer-term incarceration. Outside of Yerevan pretrial detainees outnumbered arrestees in such cells by more than three to one—3,500 of the former compared with 951 of the latter. In 2010, according to the report, there was a significant decline in the number of pretrial detainees held longer than three days. While the report covered police detention facilities, the PMG was not permitted to monitor police stations.

Human rights organizations and the ombudsman continued to raise concerns that convicts and detainees did not always have reasonable access to visitors and that even their minimal visitation entitlement was not always met because of overcrowded conditions and lack of suitable space. For example, the ombudsman's annual report stated that convicts in Yerevan's Kentron penitentiary met their relatives only for short visits due to the lack of suitable space for long-term (conjugal) visits and that even during the short-term visits an officer was present during the meetings.

According to the Helsinki Association and the Helsinki Citizens' Assembly-Vanadzor, authorities did not investigate credible allegations of inhumane conditions. Authorities did not always permit prisoners and detainees to submit uncensored appeals to authorities concerning credible allegations of inhumane conditions. By law censorship of the communications of pretrial detainees requires a court order. In practice, according to human rights organizations, there were numerous cases when prison administrators censored the letters of detainees without judicial oversight.

The Oversight Department of the Ministry of Justice was in charge of monitoring the implementation of the legal standards for penitentiaries, but domestic human rights NGOs asserted that these standards were not vigorously enforced because the Oversight Department did not have sufficient staff and resources to carry out this function effectively.

According to the Ministry of Justice during the year, there were no reports or complaints received on violence toward inmates.

Although the government generally permitted domestic and international human rights groups to monitor prison conditions, in March the Ministry of Justice prohibited the Helsinki Association's continued independent monitoring of penitentiaries after the NGO released a critical report on prison conditions. To justify its decision, the Ministry of Justice said the Helsinki Association's report caused "objective discontent among a number of convicted and detained persons, the prison administration and various layers of society." The International Committee of the Red Cross was permitted to visit both prisons and pretrial detention centers and did so in accordance with its usual practice. Authorities generally permitted CSMB personnel to visit prisons without advance notice.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention. Although the law requires adequate judicial review, judges were often reluctant to challenge prosecutors' requests to detain individuals or police conduct during arrests. Statutory law does not require that a person who is apprehended under authority of an arrest warrant be promptly brought before a judge for review of his detention. On the other hand, case law from the Cassation Court (the country's highest court for cases that are not related to constitutional issues) does require prompt judicial review. In practice authorities on occasion arrested and detained criminal suspects without reasonable suspicion. Authorities continued, albeit on a much reduced scale compared with previous years, to detain individuals who held political affiliations or engaged in activities perceived to be in opposition to the government.

Role of the Police and Security Apparatus.—The national police are responsible for internal security, while the National Security Service is responsible for national security, intelligence activities, and border control. The president appoints the heads of both organizations. The police and the National Security Service continued to lack sufficient training, resources, and established procedures to prevent incidents of abuse. In contrast with previous years, however, law enforcement bodies began to conduct more credible investigations of allegations of abuses committed by their personnel, including abuses allegedly committed by high-ranking officials.

There was no dedicated independent mechanism for investigating police abuse, a deficiency noted by the Council of Europe. Citizens may sue police in court.

According to official information, during the year police conducted 35 internal investigations related to complaints and reports of official misconduct and brutality. Of these, police found 17 to be unsubstantiated, four inquires were suspended, and in the remaining cases police officers involved underwent disciplinary actions and received administrative fines and warnings, including one demotion in rank.

Although suspects have the legal right to file complaints before trial concerning abuses allegedly committed by law enforcement personnel during criminal investigations, they must obtain permission from police or the Prosecutor's Office to undergo the forensic medical examination necessary to substantiate an accusation of physical abuse. Human rights organizations continued to report that authorities rarely granted such permission or delayed it until a later date when physical signs of abuse were no longer visible. In addition, NGOs reported that judges routinely ignored defendants' claims that their testimony was coerced through physical abuse.

Police corruption continued to be a problem, and authorities took some measures to combat it, including the prosecution of some high-ranking officials (see section 4).

Arrest Procedures and Treatment While in Detention.—By law an investigative body must either formally arrest or release an individual within three hours of taking him or her into custody. Within 72 hours the investigative body must release the arrested person or bring charges and obtain a detention warrant from a judge. Judges rarely denied police requests for detention warrants. At times police summoned individuals and held them longer than three hours without a formal arrest on the pretext that they were material witnesses rather than suspects. Domestic observers contended police avoided labeling summoned persons as suspects to avoid the legal requirement to grant them the rights of suspects.

The law requires police to inform detainees of their rights to remain silent, to make a telephone call, and to representation by an attorney from the moment of arrest. Detainees must be provided with public defenders if they are indigent. In practice police often questioned and pressured detainees to confess to crimes prior to indictment and in the absence of legal counsel. The practice of detaining individuals as "material witnesses" before designating them as suspects subjected individuals to questioning without the benefit of a defense attorney. The U.N. Human Rights Council (UNHRC) Working Group criticized this practice. In addition, police sometimes restricted detainees' access to family members and attorneys.

According to the PMG's 2010 report, monitors reported numerous instances of persons being formally arrested only after being held from one to three days in police stations. Others were formally arrested within the required three-hour limit but were subsequently held in police stations for one to three days. The report indicated that the registries of police detention facilities noted only 238 occasions when the right to meet with an attorney had been exercised by the 5,339 persons held in such facilities during 2010, including multiple instances when the same person met with his attorney on several occasions. The law provides for a bail system, but in practice courts generally denied requests for bail and ordered that defendants remain in pretrial detention.

In some cases defendants were released on their own recognizance pending trial, with the requirement that they surrender their passports and sign statements promising not to leave the country or, in some cases, the city limits.

Arbitrary Arrest.—The UNHRC Working Group on Arbitrary Detention noted in a report issued in February that police, National Security Service personnel, and border guards often detained or arrested individuals without an arrest warrant. Arrests were often not a consequence of a police investigation; rather, people were detained in order to be investigated. This was consistent with the common police practice of arresting persons at the beginning of an investigation in order to obtain a confession, making further investigation unnecessary.

On July 13, police officers took 14-year-old Yura Simonyan to the Shengavit police station in Yerevan. According to media and human rights organizations, Simonyan was a witness to an incident involving gunfire. On July 14, Simonyan's attorney made several unsuccessful attempts to reach her client, but police investigator Kamo Sharoyan repeatedly denied the attorney access. Police released Simonyan without charge on the evening of July 14. Simonyan said police officers beat him and forced him to admit he had seen the gun being fired.

Pretrial Detention.—According to official information, during the year approximately 8 percent of the prison population consisted of pretrial detainees, and an additional 9 percent were detainees whose trials were in progress.

Although the law requires that decisions about detention be reasonable and that detention be used as a measure of last resort, attorneys and court observers complained that in practice detention was often approved routinely by courts with little consideration given to whether less restrictive alternatives might suffice to assure the orderly administration of justice. The overuse of detention applied also to juvenile offenders. There is no separate system of justice for dealing with juvenile offenders.

Lengthy pretrial or preventive detention remained a chronic problem. Although the law requires a well-reasoned justification for extending pretrial custody, judges routinely prolonged custody on unclear grounds. On the other hand, authorities generally respected the provision prohibiting pretrial detention beyond 12 months. The law does not establish any time limits on the detention of defendants once their cases are sent to court. According to the UNHRC's February report, prosecutors regularly requested and received trial postponements from judges, on the grounds that they require more time to prepare for trial. Postponements were used as an excuse to prolong investigations. On the other hand, prosecutors claimed that the responsibility for the postponement of trials belonged to the defense lawyers, because they usually argued the need for more time to prepare their defense.

Amnesty.—In May the National Assembly, at the initiative of the president, declared a general amnesty. The last of the individuals detained in connection with the 2008 presidential election and postelection unrest were released (see section 1.e.). As a result of the amnesty, 602 convicts were released and over 800 prosecutions were terminated.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; in practice courts remained subject to political pressure from the executive branch as well as the self-imposed expectation that judges would find the accused guilty in almost every case. Although judicial corruption continued to exist, courtroom observers believed it occurred less frequently than in the past, in part because an increasing number of mid- to low-level government personnel charged with corruption made judges conscious that they might be at greater risk of disciplinary action than in the past. At the same time, the UNHRC reported that the government's fight against corruption also had negative implications for the independence of judges, who appeared to be ordering harsher penalties from fear of being seen as complicit in corruption.

One of the main impediments to a fair trial was the lack of an independent judiciary. Judges themselves lacked efficient legal remedies if the executive or legislative branch decided to punish them. In one case during the year, the president removed

Judge Samvel Mnatsakanyan from the bench for granting a defendant's motion to be released on bail. The Council of Justice recommended Mnatsakanyan's dismissal because he allegedly failed to justify the defendant's release; the dismissal was ordered even though the prosecutor had not objected to bail and the defendant was ultimately acquitted.

In a second case during the year, the Cassation Court reportedly forced Judge Surik Ghazaryan to resign, and the government denied him his full pension, allegedly in retaliation for not consulting with the Cassation Court prior to his 2010 ruling in a high-profile case. The ruling (reversed at higher levels) followed the 2005 decision of the London Court of International Arbitration in favor of Moravel Investments LC and ordering OAO Yukos Oil Company to pay Moravel Investment more than $655 million. Moravel filed suit in Armenia seeking the implementation of the arbitration decision and recovery of the assets of OAO Yukos Oil Company. Ghazaryan's appeals to reinstate his pension were pending at year's end.

The vulnerability of judges to dismissal for their decisions, combined with the absence of any effective remedy for such treatment, had a strong chilling effect on the judiciary. The Council of Justice may charge a judge with a miscarriage of justice even for a ruling that was never appealed to a higher court or in which the appellate courts found no errors. The decisions of the Council of Justice are not subject to further review. There were reports that the Cassation Court was directly involved in dictating the outcome of almost every case to lower court judges.

Authorities generally complied with court orders.

Trials usually met many of the procedural standards for fairness. They were often unfair in substance, however, because many judges felt compelled to work with prosecutors to achieve convictions. Judges were reluctant to challenge police experts or hold the prosecution accountable for meeting an appropriately high standard of guilt, thereby hampering the defendant's ability to mount a credible defense.

Trial Procedures.—The law provides for the presumption of innocence, but in practice this right was violated. The law requires that most trials be public but permits exceptions, including in the interest of "morals," national security, and for the "protection of the private lives of the participants." Juries are not used, a single judge issues verdicts in trial courts (except for crimes punishable by life imprisonment), and panels of judges preside in the higher courts. Defendants have the right to counsel of their own choosing, and the government is required to provide them with defense counsel—a public defender—upon request. Outside of Yerevan this obligation was frequently not honored due to a shortage of defense lawyers.

By law defendants may confront witnesses, present evidence, and examine the government's case in advance of a trial, but in practice defendants and their attorneys had very little ability to challenge government witnesses. This was particularly prejudicial to defendants in challenging the evidence of police officers, who are prohibited by law from testifying in their official capacities unless they are a witness or a victim in a case. Thus, official police reports detailing the evidence found at a crime scene or the confession of a defendant were routinely received as evidence without any in-court testimony from police. Defense lawyers had almost no ability to challenge the findings of these official reports, which courts generally considered to be unimpeachable. Judges controlled the "witness list," which designated the witnesses deemed to have evidence relevant to a criminal case, and defense attorneys complained that at times they were not allowed to call or obtain the attendance at trial of witnesses whom they believed to have evidence helpful to their client's defense. Defendants, prosecutors, and the injured party have the right of appeal and often exercised it.

In its 2011 annual report, the Helsinki Association alleged that judges at times questioned the accused in a manner that appeared to assume their guilt and dismissed defense attorneys' motions without justification, limiting themselves to evidence and motions submitted by prosecutors. According to the Helsinki Association, judges at times prohibited independent observers from attending trials and rarely gave credence to defendants' allegations of torture.

As in the past, the vast majority of criminal cases sent to trial resulted in convictions. Although many weak cases resulted in convictions, the practice by police investigators of declining to forward weak cases to the courts may also have played a role in the high conviction rate. The acquittal rate during the year was 1.9 percent, compared with 0.9 percent in 2010.

Political Prisoners and Detainees.—During the year authorities released the last six individuals incarcerated in connection with the 2008 presidential election and postelection unrest. Some were granted early release; others were released in the May amnesty.

On November 11, the first instance court of Malatia Sebastia sentenced Andranik Makvetsyan, a Jehovah's Witness, to six months in prison. Makvetsyan was immediately incarcerated. Initially Makvetsyan was investigated and tried on charges of battery, threats, and arrogation over an altercation with a priest of the Armenian Apostolic Church, Artak Artenyan, on a public walkway near the church. Makvetsyan was acquitted of these charges but convicted of preventing Artenyan's "right to preach" near a church and his "right to prevent" Makvetsyan from proselytizing. In an amicus curiae brief to the court of appeal, the Civil Society Institute argued that the trial court found Makvetsyan guilty of violating a right that does not exist in Armenia. The institute's brief also contended that the conviction unjustly interfered with Makvetsyan's right to express his personal beliefs and violated religious freedom. At year's end Makvetsyan remained incarcerated pending the outcome of his appeal.

Regional Human Rights Court Decisions.—Citizens who exhausted domestic legal remedies could appeal to the European Court of Human Rights (ECHR) against alleged violations by the state of the European Convention on Human Rights. Dozens of appeals were pending before the court at year's end. During the year the ECHR issued judgments in three new cases involving the country and found violations of the convention by the state in two of the cases.

During the year the ECHR ruled in Bayatyan v. Armenia that the imprisonment of a plaintiff on account of his objection to military service was a violation of the European Convention on Human Rights. At year's end 58 people remained in prison for refusing to serve in the military or in the alternative service administered by the Ministry of Defense, citing reasons of conscience. The government paid the monetary judgment awarded by the ECHR to the plaintiff. According to the Ministry of Justice, the ECHR ruling was not applicable to those imprisoned for refusing alternative service, since there were no provisions for alternative service when Bayatyan was imprisoned.

The government generally complied with ECHR decisions.

Civil Judicial Procedures and Remedies.—Although citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations, the courts were widely perceived as corrupt, and potential litigants in civil cases often evaluated the advisability of bringing suit by comparing their and their opponent's respective resources with which to influence the judge. Citizens also had access to the Office of the Ombudsman, as well as the possibility of challenging the constitutionality of legislation in the Constitutional Court. The Constitutional Court exercised its power to determine the constitutionality of statutes in more than 40 cases during the year, but its decisions were unevenly enforced because lower courts report to the Cassation Court rather than the Constitutional Court.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the constitution prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications, there were unconfirmed reports that the government at times violated these rights in practice and that law enforcement bodies tapped the telephone communications and e-mail correspondence of certain individuals whom the government wanted to keep under scrutiny, including human rights activists and the political opposition.

Law enforcement bodies may not wiretap a telephone, intercept correspondence, or conduct searches without obtaining permission by the judge. Law enforcement bodies generally adhered to the legal procedures, but attorneys claimed that judges, who should only authorize such actions after being presented with compelling evidence of criminal activity, granted permission arbitrarily, rendering the procedure largely a formality.

Section 2. Respect for Civil Liberties, Including:

Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press. In practice the government did not always uphold these rights. Instances of violence against journalists decreased, but free speech was limited by a surge of libel and defamation lawsuits in which members of the politically connected business elite were awarded large monetary damages against opposition newspapers and journalists. News outlets engaged in self-censorship from fear of punitive monetary judgments against them if they published information about the politically connected elite. The media, especially television broadcasters, continued to lack diversity of political opinion and objective reporting. The switchover process from analog to digital television broadcasts further restricted the number and diversity of channels on the air. The government did not release the audit of the country's television and radio frequencies that provided the technical basis for limiting the number of digital broadcasting licenses.

Freedom of Press.—Most newspapers, with the exception of government-sponsored Hayastani Hanrapetutyun and its Russian-language version, Respublika Armenii, were privately owned. The print media published a wide range of viewpoints, although most publications tended to reflect the political leanings of their proprietors and financial backers. The political factions and business interests that sponsored these publications showed little interest in developing fair and balanced nationwide coverage. Only a handful of newspapers operated as efficient and self-sustaining enterprises.

Online Web sites were the country's most independent information sources. Social media, such as Facebook and YouTube, exerted a small but growing influence on social discourse.

Newspaper circulation remained limited, as did the audience for the country's 21 radio stations, three of which were public and two broadcast from abroad. All but three of the 82 television stations in operation during the year were privately owned; most were small broadcasters based in outlying regions. Four stations broadcast from abroad. Most stations were owned by politicians in the ruling party or politically connected businessmen and presented one-sided views of events. Regional television channels provided some alternative viewpoints, often via externally produced content.

Violence and Harassment.—Media outlets, particularly broadcasters, feared reprisals for reporting that was critical of the government. These reprisals could include lawsuits, the threat of losing a broadcast license, a selective tax investigation, or loss of revenue when advertisers learned an outlet was in disfavor with the government. This fear of retribution led to a high degree of media self-censorship.

Censorship and Content Restrictions.—Gyumri-based GALA TV continued its legal disputes over broadcast rights. The station's initial difficulties began in late 2007 when GALA refused to restrict its content and continued to provide air to the opposition in advance of the 2008 presidential elections. On February 17, in response to a suit filed by the city of Gyumri against GALA over the station's use of a disputed television tower that the city hall claimed to be its property, the trial court ordered GALA to remove its transmitter-antenna and cable from the tower. Both the court of appeals and the Cassation Court upheld the decision. Following the ruling, GALA asked the Ministry of Transport and Communication to permit the transfer of its antenna and equipment to the central television tower in Gyumri. In contrast with similar requests in the past, the ministry offered to do so under acceptable terms, and on October 25, GALA moved its equipment and started transmission from the central tower with minimal disruptions to its programming. Gala continued to experience problems securing advertisers, who GALA alleged were under government pressure not to patronize the station.

On October 3, the Administrative Court rejected an appeal by the independent A1Plus television news outlet of the denial by the National Commission on Television and Radio of its application for a broadcast license. This was the 13th unsuccessful bid for a frequency by A1Plus since it was forced off the air in 2002. According to A1Plus, it appealed after it reviewed the successful application of its competitor for the license and found a number of inconsistencies and falsifications. It claimed that the commission committed procedural violations in rejecting its application. A1Plus continued to maintain an active Internet presence.

A September 9 resolution by the Parliamentary Assembly of the Council of Europe addressed the A1Plus case, among other issues. It noted that "the outcome of the December 2010 licensing tender has not resulted in a more pluralist media environment," and that the "the authorities—in this case, the National Commission on TV and Radio—rejected the bid from A1Plus, while being fully aware about its significance, on what would seem to be purely technical/administrative arguments."

Libel Laws/National Security.—The repeal of criminal penalties for libel in 2010 was initially welcomed by many media and human rights observers. However, since the same law set a relatively high ceiling for monetary damages that could be awarded by courts in civil libel cases, it contributed to a chilled media environment in which outlets had to weigh the candor of their reporting against the prospect that they could become targets for retaliatory lawsuits that would force them out of business. Following several court decisions ordering newspapers to pay high fines, authorities complied with the ombudsman's call for a Council on Information Disputes. The council, with the participation of lawyers and journalists, examined libel cases that had been tried during the year and produced expert opinions on individual cases, which were published in the media as well as sent to courts and related organizations. In one case a court took into consideration a report published by the council during a hearing.

On November 15, the Constitutional Court, responding to an appeal by the ombudsman, confirmed the constitutionality of the 2010 law. At the same time, the court recommended that lower courts not hold media outlets liable for their critical assessment of facts or, when they were convicted, order them to pay disproportionately heavy fines.

In April former president Robert Kocharian sued the Hraparak newspaper for six million drams ($15,584) following its publication in February of an article that referred to him as "bloodthirsty." The court agreed to a temporary freeze of the newspaper's assets. The case remained pending at the end of the year.

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and the law provide for freedom of assembly, but the government occasionally restricted this. In April the National Assembly passed a new law on freedom of assembly. International experts, who reviewed an earlier draft of the law, including the Council of Europe's Venice Commission and the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), judged it an improvement over the existing law. After its enactment, however, local and OSCE experts expressed concern that the manner and speed of its adoption was an apparent violation of National Assembly procedures and that the final version of the law contained blanket restrictions that gave state bodies excessive power to obstruct. One of most troublesome provisions allows state bodies to prohibit an assembly if it is held "at such a distance from the Presidency, National Assembly, government buildings, courts, or penitentiary institutions that threatens their natural activity." Since the law does not specify a distance, in practice authorities could use this provision to obstruct routine protests.

On at least two occasions early in the year authorities refused to accept notifications by the opposition Armenian National Congress seeking to hold demonstrations in Freedom Square. On March 17, authorities permitted a spontaneous demonstration to enter Freedom Square. Beginning on April 28, after the parliament approved the new law on freedom of assembly, the government began formally permitting demonstrations and opposition rallies in previously restricted areas of the capital city, and all were held without incident, although demonstrators from outside of Yerevan at times were impeded in their attempts to travel to rallies.

Freedom of Association.—The constitution provides for freedom of association, and the government generally respected it in practice. Nevertheless registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome. The law gives citizens the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. In practice there were some reports of limited restrictions connected with travel to political rallies. Authorities cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees and asylum seekers, stateless persons, and other persons of concern.

In-country Movement.—During the year there were reports that authorities restricted freedom of movement by preventing citizens residing outside Yerevan from traveling to attend opposition rallies in the capital. In February authorities reportedly prevented vehicles from traveling from Gyumri to Vanadzor, where protests were being held against changes to vehicle registration requirements. On October 6, the ombudsman received complaints that transportation companies stopped providing transportation services during times coinciding with scheduled rallies. In response to an inquiry by the ombudsman, the Ministry of Transport and Communications verified the interruption in service of certain routes and issued a warning to all transport companies, in particular companies operating in the cities of Etchmiadzin and Abovyan, that they would lose their licenses if they suspended services again.

Foreign Travel.—To leave the country on a temporary or permanent basis, citizens must obtain exit visas. Exit visas for temporary travel out of the country may be routinely purchased within one day of application for approximately 1,000 drams ($2.60) for each year of validity.

Internally Displaced Persons (IDPs).—During the country's war with Azerbaijan over Nagorno-Karabakh, authorities evacuated approximately 65,000 households from the border region, but most IDPs later returned to their homes or settled elsewhere. During a visit to the country in September 2010, the U.N. representative on the human rights of IDPs, Walter Kaelin, cited a lack of adequate housing and limited economic opportunities as remaining obstacles faced by some of the country's IDPs and former refugees.

Protection of Refugees.—Access to Asylum.—The laws provide for granting asylum or refugee status, and the government has established a system for providing protection to refugees.

Refugee Abuse.—Asylum seekers serving sentences for illegal entry into the country were generally not released following the registration of their asylum applications and were required to serve the remainder of their sentences.

Access to Basic Services.—Due to a lack of institutional capacity, authorities often struggled to integrate asylum seekers into society once they obtained permanent residency status. Housing allocated to the refugees was often inadequate in supply and in poor condition. Refugees faced the same social and economic hardships that confronted the general population.

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

Although the constitution and law provide citizens with the right to change their government peacefully, observers criticized government interference with that right during the country's most recent national elections.

Elections and Political Participation.—Recent Elections.—Observers criticized the 2008 presidential election as significantly flawed, with reports of favorable treatment of the government's candidate; ballot stuffing; vote buying; multiple voting; and intimidation of voters, candidates, and the media during the 2008 campaign. According to the OSCE, the vote count demonstrated deficiencies of accountability and transparency, and complaints and appeals procedures were not fully effective. The Central Election Commission and the National Commission on Television and Radio did not ensure that media provided a level playing field for all candidates, and media bias was evident.

There were continuing complaints that opposition parties had limited access to media.

On May 26, the National Assembly adopted a new electoral code that introduced many reforms that the Venice Commission and other international observers judged to be improvements. Nevertheless, these reforms did not dispel concerns about their implementation, the composition of the electoral commissions, or the continued possibility of fraud and abuse in connection with the estimated 500,000 to 800,000 registered voters who reside abroad.

Political Parties.—There were no reports of undue legal restrictions on the registration or activity of political parties. Nevertheless, there were some complaints that the government used its administrative resources to discourage contributions to opposition parties, thereby limiting their activities. Additionally, there were allegations that the government discriminated against members of opposition political parties in hiring decisions.

Participation of Women and Minorities.—Women's participation in political and public life, especially in decision-making bodies, remained low. As of the end of the year, there were 11 women in the 131-seat National Assembly, two in the cabinet, and no female governors. Only five of the elected 52 Yerevan City Council members were women, and no women headed any of Yerevan's 12 administrative districts.

The revised electoral code increased from 15 to 20 percent the required proportion of female candidates included on each party list of candidates for proportional voting. However, in the past a significant proportion of female candidates withdrew their candidacy after the election, with the result that the proportion of women in the National Assembly was well below that intended by the law. The new electoral code also introduced minimum gender balance requirements for the central and territorial election commissions.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Corruption remained a serious problem; officials

frequently engaged in corrupt practices with impunity, and authorities took limited preventive measures. Civic groups working to address corruption stated that authorities continued to ignore media reports implicating government officials in corrupt practices.

The government implemented some measures to combat corruption in several state agencies and ministries. For example, it introduced revised procedures for obtaining drivers' licenses, passports, and business registrations to discourage the acquisition of these documents through bribery. The effect of these measures was not reported. During the year the Special Investigative Service investigated 58 cases of alleged corruption. It forwarded 23 cases involving 47 people, including 33 state officials, to the court.

On May 12, the Chamber of Control presented its 2010 annual report, which found that the State Social Security Service issued thousands of pensions in the names of pensioners who had been dead for years. The report implied that this money, approximately 113 million drams ($293,500), was pocketed by officials from the service in Yerevan. The chief of the service, Vazgen Khachikian, was dismissed from his post shortly after the report's issuance. The Prosecutor's Office combined the criminal case launched into the embezzlement with the criminal case of other violations in the service, namely embezzlement of approximately 60 million drams ($155, 840) by the regional subdivisions of the service. At the end of the year, a special police task force was investigating the case. The task force had not brought charges against Khachikian at year's end, although according to official information, 24 others had been indicted.

Corruption among police remained a problem. Several anticorruption probes of senior police officials suggested that officials were being held accountable more frequently than in previous years for their alleged malfeasance. On March 24, authorities arrested Major-General Hovhannes Tamamian, head of the Directorate General of Criminal Investigations of the national police, on charges of abusing his authority with grave consequences. Prosecutors accused Tamamian of deliberately mishandling the investigations of killings in May 2010 in Yerevan and in 2009 in Gavar, presumably to help persons connected to him. On March 15, prior to Tamamian's arrest, President Sargsian convened an extraordinary assembly of senior law enforcement officials, where he accused police leadership of corruption and incompetence, alluding to the Tamamian case in particular.

On August 30, Colonel Margar Ohanian, head of the country's traffic police, was arrested for abuse of power, grand larceny, and embezzling 218 million drams ($566,230) worth of gasoline intended for traffic police vehicles. Ohanian was relieved of his duties on September 1 and faced up to eight years in prison for his alleged crimes.

Financial disclosure laws require that all public officials and their family members, as well as citizens with annual incomes exceeding eight million drams ($20,780), file annual asset declarations. It was unclear to what extent officials and individuals with high incomes complied. Domestic observers reported that tax authorities lacked the capacity and resources to verify the reliability of those asset declarations that were filed.

Although the constitution and laws prohibit individuals engaged in entrepreneurial activity from holding public office, businessmen continued to occupy seats in parliament, and various government officials reportedly continued to use their offices to promote their private business interests.

The law provides for public access to government information. In practice many government bodies and officials were reluctant to grant such access. As of year's end, the government had not adopted the regulations on the collection and provision of information that were required by, and supplementary to, the 2003 Freedom of Information Law. Officials cited the absence of these regulations when refusing to provide information. NGOs were more successful in gaining access to information through the courts than obtaining it directly from government agencies.

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

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

Authorities generally did not deny requests to meet with domestic NGO monitors and followed some NGO recommendations, particularly those related to social welfare, education, and local matters. At the same time, they were usually unresponsive to NGO allegations of mistreatment and abuse by law enforcement bodies. Au-

thorities' general response in such instances was that they had investigated the allegations but could not corroborate them.

Authorities occasionally harassed selected human rights groups. For example, in October the group "Army in Reality," together with several human rights NGOs, joined to support families whose sons had died in the army and who were holding regular protests in front of government buildings. They protested against human rights violations and noncombat deaths and demanded investigations into the deaths. The NGOs' participation spurred negative reactions by high-ranking Defense Ministry officials. The then deputy minister of defense, subsequently national chief of police, Vladimir Gasparyan, in several interviews called the "Helsinki organizations" participating in the initiative "grant-eaters" and people "without dignity and patriotism." In interviews Gasparyan accused the human rights organizations of carrying out orders of international donors. On November 10, the Helsinki Citizens Assembly-Vanadzor filed a lawsuit against Gasparyan and demanded a public apology to the protesters and symbolic compensation of 10 drams (approximately two cents) for damages to the organization's reputation. On December 6, a member of the National Assembly from the ruling Republican Party, Karen Avagyan, made similar comments about the organizations in the National Assembly.

Government Human Rights Bodies.—There is an ombudsman whose mandate is to protect human rights and fundamental freedoms from abuse by the national, regional, and local governments. The National Assembly selected a new ombudsman on March 2.

An August 2010 decree establishing a body overseeing the activities of nonprofit organizations was not actively implemented during the year.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. In practice the government did not effectively enforce these prohibitions.

Women.—Rape and Domestic Violence.—Rape is a criminal offense and carries a maximum sentence of 15 years. There are no laws explicitly criminalizing marital rape. According to official statistics, authorities registered 15 cases of rape and attempted rape during the year. In connection with these cases, eight individuals were convicted, and the remaining cases remained under investigation. Crimes such as rape continued to be underreported due to social stigma.

There was no law that specifically addressed domestic violence. Spousal abuse and violence against women were believed to be widespread. From January to June, the Women's Resource Center registered 709 calls to its hotline complaining of domestic violence. A majority of those (442) involved psychological violence, 260 involved physical violence, and seven involved sexual violence. The center also reported that the number of families receiving support in its emergency shelter increased by nine in the first half of the year; from January to June, the shelter served 25 women with 27 children.

In addition to the one permanent NGO-supported shelter for survivors of domestic violence, a new state-of-the-art private facility opened in a village near Yerevan in June. The facility served disadvantaged and vulnerable women, including, but not limited to, domestic violence survivors.

According to domestic observers, most domestic violence continued to go unreported because victims were afraid of physical harm, apprehensive that police would return them to their husbands, or ashamed to disclose their family problems. There were also reports that police were reluctant to act in such cases and discouraged women from filing complaints, especially in the regions outside of Yerevan. The majority of domestic violence cases were of low or medium gravity. In such cases a victim can decline to press charges, and victims who reported domestic violence were often pressured by perpetrators to withdraw charges or recant previous testimony.

In March Yanis Sargisov went on trial for causing the death of his wife Zaruhi Petrosyan. A coalition of women's rights NGOs actively followed the case, attending the trial, and organizing protests demanding justice. According to Petrosyan's sister, both Petrosyan's husband and her mother-and-law abused her. Officials did not corroborate abuse by the mother-in-law, however, and the Guardianship and Custody Commission of Nork-Marash administrative district of Yerevan granted the mother-in-law custody of Petrosyan's two-year-old daughter. On October 14, the court convicted Sargisov and sentenced him to 10 years in prison, the maximum punishment under the law.

The police reported 528 cases of domestic violence during the year, of which 396 were cases of abuse by a husband or a partner. Those cases included instances of battery, intentional infliction of damage to health, threats, and hooliganism.

Sexual Harassment.—The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. While there was no public data on the extent of the problem, observers believed that sexual harassment of women in the workplace was widespread.

Reproductive Rights.—According to the law, couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. In practice, especially in more traditional families, such decisions were often made by the male spouse and his parents. There was little access to, or information about, contraception, especially in rural areas. Skilled attendance during childbirth was more accessible in large towns and other population centers. There were reports that women, especially those in rural or remote areas, faced insufficient access to adequate general and reproductive health-care services. Women were diagnosed and treated for sexually transmitted infections equally with men.

Discrimination.—Men and women enjoy equal legal status, but discrimination on the basis of gender and age were continuing problems in the public and private sectors. Women generally did not enjoy the same professional opportunities or wages as men and were often relegated to more menial or low-paying jobs. According to official statistical data for 2010, there was a significant gap between the average monthly salary of men and women; also the average monthly salary for women notably decreased from younger age groups to older. Women remained underrepresented in leadership positions in all branches and levels of government. A survey released during the year found that an overwhelming majority (71 percent) considered it undesirable for a woman to be president, although more respondents considered it desirable for women to hold leadership positions at the community or local level.

Children.—Birth Registration.—Citizenship is derived from one's parents. Observers indicated that some parents, particularly the poorest and most socially disadvantaged, were unable to register their children at birth, in part because of the cost of transportation to registration centers, thereby potentially depriving them of essential social services and increasing their children's vulnerability. During the year international donors continued to work with authorities to address the situation.

Child Abuse.—During the year the domestic branch of the international NGO Save the Children published an assessment of child abuse in the regions of Kotayk, Aragatsotn, and Shirak. It reported children were subjected to physical and psychological abuse and neglect, particularly the failure to provide adequate food, clothing, and shelter. Children reported being subjected to abuse outside the home as well, including physical and psychological abuse in institutions, schools, and occasionally on the streets. According to the assessment, some parents also exploited their children economically by forcing them to work. The assessment indicated that children were unaware of their rights, and this lack of awareness appeared to make violence against children socially acceptable.

Sexual Exploitation of Children.—Antitrafficking statutes prohibit the sexual exploitation of children. These provide for sentences of seven to 15 years in prison for trafficking of children, depending on aggravating circumstances. Child pornography is punishable by imprisonment for up to seven years.

According to domestic observers, the legal framework was inadequate for assessing and prosecuting sexual crimes involving children. Statutory rape, defined in the law as sexual acts with a person under 16, is punishable by a fine and up to two years in prison. Sexual solicitation of minors and the failure to report statutory rape are not crimes. During the year authorities prosecuted a high-profile case of pedophilia in the town of Akhtala. The investigation into the case began in January, based on a report and video recordings submitted to the National Security Service. The recordings reportedly showed Serob Der-Boghosian, a former adviser to the prime minister and Akhtala's primary employer, engaging in a sexual act with an underage boy. Reports and evidence gathered indicated that Der-Boghosian made videos and photographs of underage boys from poor families, gave them money, and forced them to perform sexual acts. On November 17, a court of first instance of Lori District convicted Der-Boghosian of violent sexual acts and sentenced him to 15 years' imprisonment, the maximum punishment under the law.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The size of the country's Jewish population was estimated at between 500 and 1,000 persons. There were no reports of anti-Semitic violence during the year.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree mandate accessibility to buildings, including schools, for persons with disabilities, but in practice very few buildings or other facilities were accessible. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but failed to do so effectively. Official statistics showed there were 177,076 persons with disabilities as of December 31.

In spite of the large number of officially registered persons with disabilities, disabled persons are seldom seen outside the home due to the social stigma associated with disabilities. In extreme cases the social stigma sometimes prompts families to hide their disabled children completely from public view, thus depriving them of access to education and integration into society.

Persons with all types of disabilities experienced problems in virtually all spheres of life, including health care, social and psychological rehabilitation, education, transportation, communication, access to employment, and social protection. Access to information and communications was a particularly significant problem for persons with sensory disabilities.

Hospitals, residential care, and other facilities for persons with serious disabilities remained substandard. According to official data, more than 90 percent of persons with disabilities who were able to work were unemployed.

In February the media reported that the Diplomatic School of the Ministry of Foreign Affairs refused to consider the application of Artak Beglaryan because he was blind. Beglaryan, a graduate of the International Relations Department of Yerevan State University, appealed to the Administrative Court, claiming that blindness was not included on the list of the health problems precluding public service. He accused the ministry of discrimination. On October 10, the Administrative Court turned down Beglaryan's appeal, holding that the Ministry of Foreign Affairs had no responsibility for its Diplomatic School.

The Helsinki Association's 2011 report included a chapter on the conditions for patients in psychiatric clinics. The report described a number of significant shortcomings in such clinics, in particular poor sanitary and hygienic conditions, inadequate access to communications and information, and inadequate medical care.

There were widespread reports of corruption and arbitrary rulings in the Medical-Social Expertise Commission, a governmental body under the Ministry of Labor and Social Affairs that determines a person's disability status. In his 2010 annual report, the ombudsman noted an increase in complaints about the commission's decisions. Citizens complained that the commission arbitrarily deprived them of disability status despite their worsening health.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Societal attitudes toward LGBT persons remained highly negative, with society generally viewing homosexuality as an affliction. Societal discrimination based on sexual orientation and gender identity negatively affected the employment, family relations, and access to education and health care of sexual minorities.

Openly gay men were exempt from military service, purportedly because of concern that fellow servicemen would abuse them. However, the actual exemption required a medical finding, by means of a psychological examination, that an individual had a mental disorder; this information was stamped in the individual's personal documents.

According to human rights activists, sexual minorities were frequent targets for humiliating discrimination in prisons, where they were forced to perform degrading labor and separated from the rest of the prison population.

Other Societal Violence or Discrimination.—There were no reports during the year of acts of societal violence or discrimination against persons with HIV/AIDS.

Many employers reportedly discriminated against potential employees by age, most commonly requiring job applicants to be between the ages of 18 and 30. While this discrimination appeared to be widespread, authorities did not take any action to mitigate it. After age 40, unemployed workers, particularly women, had little chance of finding jobs appropriate to their education or skills.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers, except for personnel of the armed forces and law enforcement agencies, to form and to join independent unions. The law also provides for the right to strike,

with the same exceptions, and permits collective bargaining. These activities could be conducted without government interference. The law stipulates that workers' rights cannot be restricted because of their membership in a union. The labor code provides a list of reasons a person can be fired, which does not include union activity.

Labor rights were not always respected in practice. Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. Labor unions were generally inactive with the exception of those connected with the mining industry. Unions were closely tied to the government. There were no reports of specific acts of antiunion discrimination; but there were reports that some mining enterprises, including some financed by foreign investors, discouraged employees from joining labor unions with the implied threat of loss of employment.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced and compulsory labor but there were reports that women and girls were subjected to conditions of forced labor and that men were subjected to forced labor in the construction sector. A small number of girls were subjected to sex trafficking and boys to forced begging.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16, but children may work from the age of 14 with permission of a parent or a guardian. Persons under 18 are prohibited from working overtime; in harmful, strenuous, or dangerous conditions; at night; or on holidays. Authorities responsible for enforcing compliance with child labor law failed to implement the law in practice.

According to observers, many children, especially in rural regions, worked in family enterprises, mainly in agriculture. Observers also reported seeing children in Yerevan selling flowers and drawings and working in local markets after school hours. Children also worked in trade, construction, and car services, operated vehicles, and gathered waste metal and bottles. According to a 2008 UNICEF study on child labor, 4.7 percent of children between seven and 18 years of age had paying jobs. This percentage did not include children working on family farms or in family businesses. The survey also found almost one-third of working children were below the legal working age, almost all children worked without legal contracts, and some children were employed in heavy manual work as laborers and loaders.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The monthly minimum wage was 32,500 drams ($84.41), which was approximately equal to the poverty line.

The law provides for a 40-hour workweek, 28 days of mandatory annual leave, and compensation for overtime and nighttime work. The law provides that compulsory overtime cannot exceed four hours in two consecutive days and 180 hours within a year. In practice authorities did not effectively enforce these standards. Many private sector employees were unable to obtain paid leave and were required to work more than eight hours a day without compensation. According to representatives of some employment agencies, many employers also continued to hire employees for a "probationary" period of 10 to 30 days, during which they were not paid. Often these employees were subsequently dismissed and unable to claim payment for the time they worked because their initial employment was undocumented.

Occupational and health standards were established by government decree. The State Labor Inspectorate, with its 140 inspectors, was responsible for enforcing these standards but did not do so effectively. During the year the State Labor Inspectorate reportedly made little progress toward implementing an inspection regime or enforcing the labor code, and its work was reportedly undermined by corruption. Managers of enterprises that were the primary employers in certain poor areas frequently took advantage of the absence of alternative jobs and neglected issues related to adequate pay, job safety, and environmental concerns. Workers in the informal sector were excluded from any form of governmental protection.

Work safety and health conditions remained substandard in numerous sectors, and there was one fatal workplace incident during the year.

AUSTRIA

EXECUTIVE SUMMARY

The Republic of Austria is a parliamentary democracy with constitutional power shared between a popularly elected president and a bicameral parliament (Federal Assembly), in which the members of one house are directly elected and the other named by the constituent states. In practice the multiparty parliament and the coalition government it elects exercise most day-to-day governmental powers. National parliamentary elections in 2008 and presidential elections in 2009 were free and fair.

There were no widespread and systemic human rights abuses during the year. There continued to be reports that police at times used excessive force, particularly against members of minority groups. Societal discrimination persisted against ethnic minorities, including Muslims of immigrant origin, Roma, Jews, and foreigners of African origin.

Other reported abuses included shortcomings in detention centers, particularly those holding persons awaiting deportation. Freedom of speech was restricted by laws that criminalize the public denial, belittlement, approval, or justification of Nazi genocide, and by laws forbidding incitement, insult, or expressions of contempt toward a group because of its members' race, nationality, or ethnicity. Public corruption remained a problem, as did violence against women and children. There were unconfirmed reports that female genital mutilation (FGM) was practiced among some immigrant groups. There were some anti-Semitic incidents, including physical attacks, taunting, property damage, and vilifying and threatening letters and telephone calls. Laws mandating access for persons with disabilities were not adequately enforced.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were few indications that government officials employed them. The government investigated allegations of such practices and prosecuted cases in which credible evidence was found. A Human Rights Advisory Council monitored police respect for human rights and made recommendations to the interior minister.

In late December the public prosecutor began an investigation into allegations that earlier in the month a police officer in Graz used excessive force against an animal-rights activist attempting to film a hunt.

In September a Vienna appellate court reduced from 2,800 euros to 1,600 euros ($3,640 to $2,080) the fine imposed on the police officer found guilty of negligence in the 2009 beating of a foreign citizen. The court found that the incident had not been racially motivated, as originally charged.

Prison and Detention Center Conditions.—Prisons and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers. Nevertheless, improving conditions in detention centers was one of the key recommendations resulting from the Universal Periodic Review of the country's human rights performance to the U.N. Human Rights Council in January. The recommendations of the review also included that Austria provide free legal counsel to persons awaiting deportation.

According to January statistics from the Justice Ministry, there were 8,540 persons in prison, including 555 women and 650 juveniles.

Human rights groups continued to criticize the incarceration of nonviolent offenders, including persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention. Beginning on October 1, in keeping with EU regulations and a ruling by the Constitutional Court, authorities made free advice from the legal experts of nongovernmental organizations (NGOs) available to asylum seekers and those in detention while awaiting deportation.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. The government investigated and monitored prison and detention center conditions. The federal ombudsman's office can investigate on behalf of prisoners and detainees but cannot consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding.

There were strict checks on the enforcement of pretrial detention restrictions and bail provisions, and detailed recordkeeping procedures to ensure that prisoners did not serve beyond the maximum sentence for the offense with which they were charged.

NGOs monitored detained prisoners on a regular basis.

Prisoners had access to potable water, and prison conditions for women and men were generally the same. The federal ombudsman monitors the situation in prisons. There are sentencing alternatives for nonviolent offenders.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and information available during the year suggested that the government generally observed these prohibitions. However, the strict application of libel laws tended to discourage reports of police abuse.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police and army, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

NGOs continued to criticize the police for allegedly targeting minorities for frequent identity checks. Racial sensitivity training for police and other officials continued with NGO assistance. In response to a 2010 report by the Council of Europe's Committee for the Prevention of Torture, the government expanded human rights training for police officials in detention centers.

Arrest Procedures and Treatment While in Detention.—Arrests are based on sufficient evidence and based on documentation issued by a duly authorized official. The arrested person is brought before an independent judiciary. In criminal cases the law allows investigative or pretrial detention for up to 48 hours, during which a judge may decide to grant a prosecution request for extended detention. The law specifies the grounds for investigative detention and conditions for bail. The judge is required to evaluate investigative detention cases periodically. The maximum duration for investigative detention is two years. There is a functioning bail system. Police and judicial authorities generally respected these laws and procedures in practice.

Detainees have the right to a lawyer. Although indigent criminal suspects have the right to an attorney at government expense, the criminal procedures code requires an attorney be appointed only after a court decision to remand such suspects into custody (i.e., 96 hours after apprehension). Criminal suspects are not legally required to answer questions without an attorney present.

There were isolated reports of police abuse, which authorities investigated.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial. Persons charged with criminal offenses are presumed innocent until proven guilty; juries are used in trials for major offenses. Attorneys are not mandatory in minor offense cases, but legal counsel is available at no charge for needy persons in cases where attorneys are mandatory. Trials must be public and conducted orally. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. A system of judicial review provides multiple opportunities for appeal.

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

Regional Human Rights Court Decisions.—During the year the European Court of Human Rights (ECHR) decided 11 cases involving Austria and found violations in four. The cases concerned the protection of property, the right to a fair trial, and the prohibition of discrimination. The government complied with the ECHR orders and decisions.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including an appellate system. These institutions are accessible to plaintiffs seeking damages for human rights violations. Administrative and judicial remedies were available for redressing alleged wrongs. Individuals could appeal adverse decisions to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press. The independent media were active and expressed a wide variety of views with few restrictions. Individuals generally could criticize the government publicly or privately without reprisal.

The law prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in a print publication, a broadcast, or other media. It also prohibits incitement, insult, or contempt against a group because of its members' race, nationality, or ethnicity if the statement violates human dignity. The government strictly enforced these laws (see Section 6, Anti-Semitism).

Strict libel laws discouraged reporting of governmental abuse. For example, many observers believed that the ability and willingness of the police to sue for libel discouraged individuals from reporting abuse by police.

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

In April authorities arrested three men because of their connection to a neo-Nazi Web site that displayed links to Hitler's Mein Kampf, called for actions to preserve the "German heritage," and denounced persons who fight right-wing extremism. The suspects were charged under the law banning neo-Nazi activity and were awaiting trial at year's end.

There were no reports that the government attempted to collect personally identifiable information of persons in connection with their peaceful expression of political, religious, or ideological opinion or beliefs. There were no reports that the government censored Web sites. However, authorities continued to try to restrict access to Web sites containing information that violated the law, such as neo-Nazi and child pornography sites. Authorities restricted access to banned sites by trying to shut down such sites and forbidding the country's Internet service providers to carry them.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

In-country Movement.—Asylum seekers' freedom of movement was restricted to the district of the refugee camp where authorities assigned them for the duration of their initial application process, i.e., until the country's responsibility for examining the application is determined. Under the law asylum seekers must be physically present in the centers of first reception for up to 120 hours during the initial application process. Authorities had 20 days in which to determine Austria's responsibility and jurisdiction.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Rejected asylum seekers have recourse to the Federal Asylum Court, a special court mandated to process asylum cases, and the right to appeal to the Constitutional Court when constitutional issues arise. Some asylum advocates criticized the limited right of asylum seekers to appeal their cases.

Safe Country of Origin or Transit.—The government requires asylum seekers who transit a country determined to be "safe" to return to that country to seek refugee status. Authorities consider all signatories to the 1951 refugee convention and its 1967 protocol to be safe countries of transit. However, in response to a ruling by the ECHR and the recommendations of the U.N. special rapporteur on torture, the

government in February put a de facto halt to the return of asylum seekers to Greece.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

In October Human Rights Watch released a report criticizing the deportation back to Kosovo of Roma, Ashkali, and Egyptians by a number of European countries, including Austria, because adequate reception conditions for safe and dignified returns had not been established. Similarly, the Council of Europe's commissioner for human rights urged European states to stop forced returns until Kosovo could provide adequate living conditions, health care, social services, and employment. Authorities continued deportations to Kosovo during the year.

Access to Basic Services.—Asylum seekers and refugees were entitled to state medical care, a subsistence allowance, and housing. While they were legally restricted from seeking regular employment, they were eligible for seasonal employment. Asylum seekers and refugees between the ages of six and 15 were eligible to go to school.

Temporary Protection.—The government did not provide temporary protection during the year to any individuals who did not qualify as refugees.

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

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

Elections and Political Participation.—Recent Elections.—The country held national parliamentary elections in 2008 and presidential elections in 2009; there were no reports of serious abuse or irregularities in either election.

Participation of Women and Minorities.—The parliament consists of the National Council, which is popularly elected, and the Federal Council, whose members are named by the federal states. At year's end 50 women were in the 183-seat National Council and 19 women in the 62-member Federal Council. There were six women in the 14-member Council of Ministers (cabinet).

There appeared to be relatively little representation of ethnic minorities at the national level. The Federal Council includes one Muslim woman.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. The Central Public Corruption Prosecution Department has countrywide authority to prosecute cases. Anticorruption laws and regulations extend to civil servants, public officials, governors, members of parliament, and employees and representatives of the country's companies. The law is well developed, but the government's record on execution and prosecution lagged. In October the state prosecutor began investigating a senior interior ministry staffer for abuse of office. In October the parliament established a committee to investigate a series of corruption charges against former government officials, including former ministers of defense, interior, and infrastructure.

There are financial disclosure laws for public officials, and there were no reports of failure to comply with disclosure requirements.

The courts are responsible for adjudicating corruption cases. Parliamentary committees oversee ethics rules for elected officials.

The law provides for full public access to government information, and the government generally respected this provision in practice. Authorities may only deny access if it would violate substantial data protection rights or involve national security information. Petitioners could challenge denials before the Administrative Court.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views, but some groups were dissatisfied with the information supplied by authorities in response to specific complaints. Several NGOs complained that the government did not consult civil society in preparing Austria's response to Universal Periodic Review recommendations for the U.N. Human Rights Council, particularly those relating to detention center conditions.

Government Human Rights Bodies.—A human rights ombudsman's office consisting of three independent commissioners examines complaints against the government. There were no parliamentary human rights committees.

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

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the government generally enforced these protections. In October the parliament passed a law prohibiting public incitement against persons with disabilities.

Women.—Rape and Domestic Abuse.—Under the law rape, including spousal rape, is punishable by up to 15 years' imprisonment. The government generally enforced the law. Government statistics on rape and sexual coercion included 1,156 reported occurrences and 146 convictions in 2010. There were no reports of police or judicial reluctance to prosecute spousal or other rape cases.

Domestic violence is illegal, but violence against women, including spousal abuse, was a problem. The Office of Women's Affairs and Civil Service estimated that 10 percent of adult women have suffered from violence in a relationship. Fewer than 10 percent of women abused by an intimate partner filed complaints. Police can issue a two-week order barring abusive family members from contact with the victim, and courts may extend the order for up to six months. Domestic violence is punishable under the criminal code provisions for murder, rape, sexual abuse, and bodily injury.

According to Justice Ministry statistics released in February, courts issued injunctions prohibiting abusive family members from returning home in 6,759 cases in 2010.

Under the law psychosocial care, as well as legal aid and support throughout the justice process, is mandated for survivors of gender-based violence. Police training programs address sexual or gender-based violence and domestic abuse.

The government funded privately operated intervention centers and hotlines for victims of domestic abuse. The centers provided for victims' safety, assessed the threat posed by perpetrators, helped victims develop plans to stop the abuse, and provided legal counseling and other social services. NGOs observed that these centers were generally effective in providing shelter for victims of abuse.

Female Genital Mutilation (FGM).—Authorities can prosecute FGM under the criminal code's general bodily injury provisions; it is punishable by up to five years' imprisonment. There were unconfirmed reports by NGOs that FGM was practiced in some immigrant communities, but no information on the incidence of this practice was available. There were no reports of police or judicial reluctance to pursue FGM cases.

Sexual Harassment.—The law prohibits sexual harassment, and the government generally enforced the law. Of the 3,479 cases of discrimination brought to the ombudsman in 2010 for reasons of gender, 422 involved sexual harassment. The labor courts may order employers to compensate victims of sexual harassment on the basis of the Federal Equality Commission's finding in a case; the law entitles a victim to a minimum of 1,000 euros ($1,300) in financial compensation.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and are free to do so without any discrimination, coercion, or violence. Statistics Austria reported that during the year there were approximately four maternal deaths per 100,000 live births. Women were diagnosed and treated on an equal basis with men for sexually transmitted infections.

Discrimination.—Women enjoy the same legal rights as men, and the Federal Equality Commission and the ombudsman for equal treatment of gender oversee laws requiring equal treatment of men and women. The ombudsman provides advice in discrimination cases and can file complaints with the Federal Equality Commission on behalf of persons who assert that they have been discriminated against. The minister for women's affairs and social service is responsible for promoting the legal rights of women.

According to Statistics Austria's Women's Report 2010, released in February, women earned on average 25.5 percent less than men and 15 percent less for equivalent work. The participation for women ages 15 to 64 in the labor force was 69 percent, approximately the same as for men. The report attributed an observed increase in female participation in the labor market to a rise in part-time work. Approximately 41.5 percent of employed women worked part time, compared with 30.7 percent in 1998.

Female employees in the private sector may invoke laws prohibiting discrimination against women. Depending on the Federal Equality Commission's findings,

labor courts may award the equivalent of up to four months' salary to women who are found to have experienced gender discrimination in promotion. The courts may also order compensation for women who were denied a post despite having equal qualifications.

Children.—Birth Registration.—By law children derive citizenship from one or both parents. Births are registered immediately.

Child Abuse.—According to Interior Ministry statistics, 1,391 cases of child abuse were reported to authorities in 2010, most involving intercourse with a minor. Child abuse is punishable by up five years' imprisonment, extendable to 10 years if the victim dies because of negligence. Severe sexual abuse or rape of a minor is punishable by up to 20 years' imprisonment, which may be increased to life if the victim dies as a result of the abuse. The Justice Ministry reported in October that prosecutors obtained convictions in 410 cases of child abuse in 2010.

The government continued its efforts to monitor child abuse and prosecute offenders. The Ministry for Economics, Family, and Youth estimated that close family members or family friends committed 90 percent of child abuse. Officials noted a growing readiness to report instances of child abuse.

Sexual Exploitation of Children.—The law provides up to 10 years' imprisonment for an adult convicted of sexual intercourse with a child under the age of 14. If the victim becomes pregnant, the sentence may be extended to 15 years. In 2010, according to government statistics, 413 cases were reported and 153 convictions obtained for sexual abuse and severe sexual abuse of minors.

It is a crime to possess, trade, or privately view child pornography. Exchanging pornographic videos of children is illegal. Possession of child pornography is punishable by up to two years' imprisonment; trading in child pornography is punishable by up to 10 years' imprisonment. According to government statistics, 315 instances of these abuses were reported, and prosecutors obtained 208 convictions.

Child Marriage.—The minimum age for legal marriage is 18. Adolescents between 16 and 18 may contract a legal marriage if they have obtained a special permit for this purpose. During the year the media occasionally carried reports of underage marriage, primarily in the Muslim and Romani communities, but such cases were undocumented.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—According to 2001 census figures and 2011 estimates from the Vienna Institute of Demography, a branch of the Austrian Academy of Sciences, the Jewish community in the country numbered approximately 7,000.

The NGO Forum against Anti-Semitism reported 70 anti-Semitic incidents in 2010, including four physical assaults in addition to name calling, graffiti and defacement, threatening letters, anti-Semitic Internet postings, property damage, and vilifying letters and telephone calls. The Vienna Jewish Community's offices and other Jewish community institutions in the country, such as schools and museums, continued to receive extra police protection.

The law banning neo-Nazi activity prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in print publication, broadcast, or other media. The government strictly enforced these laws. For example, in April authorities arrested three men connected to a Web site that displayed links to Hitler's Mein Kampf, called for actions to preserve the "German heritage," and denounced persons who fight right-wing extremism.

On September 11, the Vienna Criminal Court granted parole to convicted Holocaust denier Gerd Honsik on condition that he not commit any other offenses in the next three years. Honsik was serving a two-year prison sentence for violating the law prohibiting neo-Nazi activities. The conviction stemmed from the 2009 publication of two neo-Nazi books in which Honsik made accusations concerning the work of Simon Wiesenthal.

On October 15, an Austrian soldier participating in an international peacekeeping mission in Syria reportedly bought flags depicting banned Nazi-era signs and slogans. The soldier was repatriated and faced disciplinary measures, as well as a possible indictment, for violating Austrian law prohibiting neo-Nazi activities.

School curricula fostered discussion of the Holocaust and the tenets of different religions and advocated religious tolerance. The Education Ministry offered special teacher training seminars on Holocaust education while also conducting training projects with the Anti-Defamation League.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law protects persons with physical, sensory, intellectual, and mental disabilities from discrimination in housing, education, employment, and access to health care and other government services. The government's performance in enforcing these provisions was mixed.

Federal law mandates access to public buildings for persons with physical disabilities; however, NGOs complained that many public buildings lacked such access due to insufficient enforcement of the law and low penalties for noncompliance. Persons with disabilities generally had access to information and communications.

The law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life threatening. However, authorities have not performed any involuntary sterilization in recent years. The law prohibits the sterilization of minors.

The Ministry of Labor, Social Affairs, and Consumer Protection handles disability-related problems. The government funded a wide range of programs for persons with disabilities, including the providing transportation and other assistance to help integrate schoolchildren with disabilities into regular classes and employees with disabilities into the workplace.

National/Racial/Ethnic Minorities.—Interior Ministry statistics released in September cited 580 neo-Nazi, right-wing extremist, xenophobic, or anti-Semitic incidents in 2010. The government continued to express concern over the activities of extreme right-wing and neo-Nazi groups, many with links to organizations in other countries.

An NGO operating a hotline for victims of racist incidents reported 745 complaints in 2010. It noted an increase in verbal abuse against women wearing headscarves.

In October a court in Styria Province acquitted a right-wing party official of charges of anti-Muslim incitement. The charges stemmed from an Internet pop-up game appearing on the party's Web site that allowed players to "gain points" by pasting stop signs on minarets and men in traditional Turkish attire. The public prosecutor appealed the verdict.

Human rights groups continued to report that Roma faced discrimination in employment and housing. The head of the Austrian Romani Cultural Association reported that the situation of the Romani community, estimated at more than 6,200 indigenous, and between 15,000 and 20,000 nonindigenous, individuals, continued to improve. Government programs, including financing for tutors, helped school-age Romani children move out of "special needs" and into mainstream classes.

NGOs reported that Africans living in the country experienced verbal harassment in public. In some cases black Africans were stigmatized for perceived involvement in the drug trade or other illegal activities.

In response to criticism that it had failed to enforce Constitutional Court rulings regarding the Slovene minority's language rights in Carinthia Province, parliament on July 6 passed a law doubling the number of bilingual town signs, wider use of the Slovene language in administrative offices, and funding for Slovene cultural and educational institutions. Federal law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minorities.

The government continued training programs to combat racism and educate the police in cultural sensitivity. The Interior Ministry renewed an agreement with a Jewish group to teach police officers cultural sensitivity, religious tolerance, and the acceptance of minorities.

Poor German-language skills were a major factor preventing minorities from entering the workforce. The Labor Ministry continued efforts to combat this situation by providing German-language instruction and skilled-labor training to young persons with immigrant backgrounds.

In April the government appointed its first state secretary for integration. Reporting to the interior minister, the state secretary is responsible for coordinating the government's efforts to integrate the country's immigrants.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There was some societal prejudice against gay men and lesbians; however, there were no reports of violence or discrimination based on sexual orientation or gender identity. Organizations of lesbian, gay, bisexual, and transgender persons generally operated freely. Vienna hosted an annual gay pride march in July, and the city provided police protection.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers the right to form and join independent unions and bargain collectively. It prohibits antiunion discrimination or retaliation against strikers, and provides for the reinstatement of workers fired for union activity. It allows unions to conduct their activities without interference. The Austrian Trade Union Federation was the exclusive entity representing workers in collective bargaining. Unions are technically independent of government and political parties, although some sectors have unions closely associated with parties.

There were no reports of antiunion discrimination or other forms of employer interference in union functions. The right to strike was recognized in practice. Laws providing for collective bargaining, protecting unions from interference and workers from retaliation for union activities were enforced. There were no reported instances of antiunion discrimination or employer use of short-term contracts to avoid hiring workers with union rights.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women were subjected to involuntary domestic servitude and that children were subjected to forced begging.

See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum legal working age is 15, with the exception that children at least 12 years old may engage in certain forms of light work on family farms or businesses. Children age 15 and older are subject to the same regulations on hours, rest periods, overtime wages, and occupational health and safety restrictions as adults, except for additional limitations on hazardous forms of work or limitations for ethical reasons.

Laws and policies protect children from exploitation in the workplace and prohibit forced or compulsory labor, and the government generally enforced these laws and policies effectively.

There were reports of trafficking of children for begging. In 2010 the Crisis Center for Unaccompanied Minors in Vienna assisted 40 children, primarily from Bulgaria and Romania, who were subjected to forced begging in the country.

The labor inspectorate of the Ministry of Labor, Social Affairs, and Consumer Protection is responsible for enforcing child labor laws and policies in the workplace, and the inspectorate enforced the laws effectively. The labor inspectorate did not find any violations of child labor laws during the year.

d. Acceptable Conditions of Work.—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. All collective bargaining agreements provide for a minimum wage of 1,000 euros ($1,300) per month—the official poverty level was 951 euros ($1,236) per month. Wages where no such collective agreements exist, such as for domestic workers, janitorial staff, and au pairs, are regulated in pertinent law and are generally lower than those covered by collective bargaining agreements.

The law provides for a maximum workweek of 40 hours, but collective bargaining agreements also give more than half of all employees 38- or 38.5-hour workweeks. Regulations to increase flexibility in work hours allow firms to increase the maximum regular time from 40 hours to 50 hours per week with overtime. In special cases work hours can be increased to a maximum of 60 hours per week, including overtime, for a maximum of 24 weeks annually. However, these 24 weeks can only be in eight-week segments, with at least a two-week break between each eight-week period.

Overtime is officially limited to five hours per week and 60 hours per year; however, authorities did not enforce these laws and regulations effectively, and some employers exceeded legal limits on compulsory overtime. Collective bargaining agreements can specify higher limits. The law stipulates premium pay of 50 percent for overtime and requires time off on weekends and official holidays. An employee must have at least 11 hours off between workdays. Wage and hour standards were equitably enforced across all groups.

Foreign workers in both the formal and informal sectors make up approximately 13 percent of the country's workforce. Wage and hour regulations were not effectively enforced in the informal sector.

The labor inspectorate regularly enforced mandatory occupational health and safety standards. Workers could file complaints anonymously with the labor inspectorate, which could sue the employer on behalf of the employee. However, workers rarely exercised this option and normally relied instead on the nongovern-

mental worker's advocacy group, the Chamber of Labor, which filed suits on their behalf.

The law gives workers the right to remove themselves from a job without incurring any prejudice to their careers if they fear serious, immediate danger to life and health, and workers were able to exercise this right in practice.

AZERBAIJAN

EXECUTIVE SUMMARY

The Azerbaijan constitution provides for a republic with a presidential form of government. Legislative authority is vested in the Milli Mejlis (parliament). In practice the president dominated the executive, legislative, and judicial branches of government. November 2010 Milli Mejlis elections did not meet a number of key standards of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections. Although there were more than 50 political parties, the president's party, the Yeni Azerbaijan Party, dominated the political system. Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of the country and seven surrounding Azerbaijani territories. The government did not exercise any control over developments in those territories. Security forces reported to civilian authorities.

The most significant human rights problem during the year was the restriction of freedoms of expression, assembly, and association. For example, throughout the year, but especially in the spring, several political protests calling for democratic reform and the government's resignation were forcefully dispersed, and 15 protesters were sentenced to 18 months to three years in jail for their participation in such protests. Applications to hold protests in Baku were repeatedly denied throughout the year. A second significant human rights problem involved the fairness of the administration of justice due to reports of strong executive branch influence over the judiciary, lack of due process, politically motivated imprisonments, measures against independent lawyers, and reports of torture and abuse in police or military custody that resulted in at least nine deaths. A third major problem area was the violation of citizens' property rights, including forced evictions and demolitions on dubious eminent domain grounds, and inadequate compensation.

Other human rights problems reported during the year included generally harsh prison conditions that in some cases were life threatening. Arbitrary arrest and detention, particularly of individuals considered by the government to be political opponents, and lengthy pretrial detention continued. The government continued to imprison persons for political reasons, although authorities released some of these individuals during the year. The government continued to restrict the religious freedom of some unregistered Muslim and Christian groups. Pervasive corruption, including in the judiciary and law enforcement organizations, continued. Cases of violence against women were also reported. Trafficking in persons remained a problem.

The government failed to take steps to prosecute or punish most officials who committed human rights abuses. Impunity remained a problem.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed any arbitrary or unlawful killings during the year. However, human rights monitors reported that at least nine persons died in police or military custody.

For example, on January 13, Elvin Asgarov died while being taken into the custody of Baku's Nizami Police. Police stated that Asgarov died from injuries suffered when he fell several times while running from police. Local nongovernmental organizations (NGOs) and representatives of the Organization for Security and Cooperation in Europe (OSCE) found this claim less than credible based on autopsy photos of his injuries. After Asgarov family members came forward with their suspicions, Khalid Baghirov, the family's lawyer, was suspended from the government-influenced bar association for allegedly slandering the police.

On August 28, Turaj Zeynalov died while in the custody of Ministry of National Security officials in Nakhchivan. The ministry at first claimed the death was due to skin cancer and stated that the burns and injuries found on his chest, back, and stomach were the result of radiation treatment. NGOs disputed these assertions. A video of Zeynalov's body, filmed at his funeral and posted on the Internet on December 6, showed signs of abuse.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani

territories. During the year shooting incidents continued along the militarized line of contact separating the two sides in the Nagorno-Karabakh conflict and caused numerous casualties on both sides. Figures for civilian casualties along the line of contact were not available.

Abuse in the military was widespread and at times resulted in death. Local human rights organizations reported that there were at least 97 deaths in the military during the year, 83 of which were not related to combat, including 17 soldiers killed by fellow servicemen, 12 who committed suicide, and nine who died in unknown circumstances.

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

The State Committee on the Captive and Missing reported that 4,046 Azerbaijani citizens were registered as missing persons as the result of the Nagorno-Karabakh conflict. It further reported that three Armenian military personnel and one civilian departed the territory of Azerbaijan. The Office of the U.N. High Commissioner for Refugees (UNHCR) sent these three military personnel to a third country and the International Committee of the Red Cross (ICRC) facilitated the return of the civilian to Armenia. The State Committee also reported the return of one Azerbaijani solider through the auspices of the ICRC.

The ICRC continued to process cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the government to develop a consolidated list of missing persons. At year's end, according to tracing requests made by relatives to the ICRC, 4,603 persons remained unaccounted for as a result of the Nagorno-Karabakh conflict, with 4,193 cases being handled by the ICRC in Azerbaijan, including Nagorno-Karabakh.

The ICRC continued to pay special attention to prisoners of war and civilian internees (POWs/CIs) and conducted monthly visits throughout the year to ensure their protection under international humanitarian law. The ICRC regularly facilitated the exchange of Red Cross messages between POWs/CIs and their families to help them reestablish and maintain contact. The government reported that the ICRC facilitated the repatriation of one prisoner of war and one civilian internee.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and criminal code prohibit such practices and provide for penalties of up to 10 years' imprisonment. However, there were credible reports security forces beat detainees to extract confessions and assaulted demonstrators and journalists and military personnel physically abused subordinates. Reports indicated that most mistreatment took place while detainees were in custody at a police station; most detainees reported that abuse ceased once they were transferred to a pretrial detention facility.

Domestic human rights monitors reported that security forces tortured or abused 136 persons in custody during the year, compared with 169 in 2010; at least nine individuals died in custody (see section 1.a.). Impunity remained a problem. Authorities reportedly maintained a de facto ban on independent forensic examinations of detainees who claimed mistreatment and delayed their access to an attorney.

Democracy activist Bakhtiyar Hajiyev, arrested January 24 on charges of draft evasion, reported that he was punched and threatened with rape shortly after his bail was revoked on March 4 (see section 1.e.). According to Human Rights Watch (HRW), Hajiyev's lawyer Elchin Namazov observed an open wound on his client's neck, bruises on his eyes, and a hematoma on his nose during a March 5 visit. Namazov reportedly requested the General Prosecutor's Office to investigate, citing a medical report on Hajiyev's condition prepared by a detention center doctor. The ombudsman's representatives visited Hajiyev on March 7 and reported a one-inch scratch on his neck. The Ombudsman's Office appealed to the prosecutor general to investigate the abuse allegation. On March 18, the Prosecutor General's Office replied that no abuse had been confirmed, which it reiterated during a Supreme Court hearing on December 5.

Local observers reported widespread bullying and abuse in military units during the year, including physical and sexual abuse. In one case online sources reported that soldier Zakir Quliyev shot six colleagues on February 20 and then committed suicide, in reaction to mistreatment Quliyev experienced from fellow soldier Nurlan Suanverdiyev. The sources quoted a prosecutor's statement that nine officers from Quliyev's military unit were arrested and tried in a Ganja city court on abuse and misconduct charges in a separate case. The military commander of the unit was dismissed. Authorities charged Suanverdiyev with taking bribes, abusing other soldiers, and abuse of power. His case was pending at year's end. Parents of the soldiers who were killed in the incident complained in a written appeal to the president that the investigation was unfair and not transparent.

Prison and Detention Center Conditions.—Prison conditions remained harsh, and some prison conditions were life threatening, despite continuing prison infrastructure improvements. Overcrowding, inadequate nutrition, deficient heating and ventilation, lack of water, and poor medical care combined to make the spread of infectious diseases a problem.

The prison population numbered approximately 20,000 persons. Of these, 13.5 percent were in pretrial detention; 2.1 percent were women. Reports of rape in the prison system were rare.

According to the ICRC, the government undertook significant efforts to improve detention conditions by building new facilities and modernizing existing detention centers. During the year the Ministry of Justice assumed responsibility for an ICRC-initiated campaign to fight tuberculosis in detention facilities, a program that experts considered a model in the region.

Despite continuing infrastructure improvements, most prisons were Soviet-era facilities that did not meet international standards. Authorities limited physical exercise for prisoners as well as visits by attorneys and family members. There were few opportunities for prisoners to work or receive training. Former prisoners reported guards punished prisoners with beatings or holding them in isolation cells. Local and international monitors continued to report poor conditions at the maximum security Qobustan Prison.

The Ministry of Justice reported that 113 persons died in detention during the year, an increase from 106 deaths reported in 2010. The ministry reported treating 746 prisoners for tuberculosis, up from 497 in 2010. Tuberculosis remained the leading cause of death in prison facilities, but according to the Ministry of Justice, deaths from it decreased to 24. The government reported that the other major causes of death among prisoners and detainees were cancer (13), HIV/AIDS (six), and suicide (10).

The Ministry of Internal Affairs reported two cases of suicide in pretrial detention facilities. Authorities dismissed three officers, including the chief of one detention facility, and reprimanded another detention facility chief for negligence in connection with these deaths.

Men and women were held together in pretrial detention facilities; however, all women were housed in a separate prison facility after being sentenced. Local NGO observers reported that female prisoners lived in better conditions than male prisoners, were monitored more frequently, and had more access to training and other activities. Although minors were also supposed to be held in separate facilities, international monitors observed some children being held with adults. Prisoners had access to family visitors and were permitted religious observance. While most reported that they could submit complaints to judicial authorities and the ombudsman's office without censorship, domestic NGOs reported that some prisoners in high security facilities had difficulty submitting complaints to judicial authorities. Prison authorities regularly read prisoners' correspondence. Prison record keeping appeared sufficient. The national human rights ombudsman and the ombudsman for the Nakhchivan Autonomous Republic received a variety of human rights complaints, including from prisoners.

The Ministry of Internal Affairs reported that on January 26, it allocated 236,000 manat ($295,000) for the renovation of detention facilities. The ministry stated that during the year it constructed new pretrial detention facilities for the Antitrafficking Department and for the police departments of the Nasimi District and Sabunchu districts of Baku, as well as those of Absheron, Samukh, Hajugabul, Tovuz, and Guba districts. It renovated the pretrial detention facilities at the Bilajari Main Transportation Police Department and the Khatai, Binagadi, and Yasamal districts of Baku, as well as in Aghdash, Aghsu, Goranboy, Khojaly, Ujar, Bilasuvar, Barda, Gakh, Gazakh, Gobustan, Zagatala, Imishli, Yevlakh, Khyzy, Jalilabad, Shirvan, Saatly, Gabala, and Beylagan. At year's end construction continued at the Nizami District of Baku, as well as in Sumgayit and Lankaran.

The Ministry of Justice reported that during the year it renovated prisons Nos. 4, 8, 9, 12, 13, 14, 16, and 17. It further reported that, at prisons Nos. 2, 5, and 16, it installed treatment facilities, fostering facilities, and heating systems. It reported the completion of five out of nine blocks at the Baku pretrial (investigation) detention facility. It started construction at the Shaki mixed regime penitentiary.

The government permitted some prison visits by international and local humanitarian and human rights groups, including the ICRC, Council of Europe's Committee for the Prevention of Torture (CPT), OSCE, EU (accompanied by some of its members' missions), and Azerbaijan Committee against Torture. Since 2009 the Ministry of Justice has required the Azerbaijan Committee against Torture to obtain prior notification before visiting its facilities, but the Ministry of Internal Affairs continued to allow the committee immediate access to its pretrial detention centers.

The ICRC had unobstructed access to the POWs/CIs who were held in connection with the conflict over Nagorno-Karabakh as well as to detainees held in facilities under the authority of the Ministries of Justice, Internal Affairs, and National Security.

A joint government-human rights community prison monitoring group, known as the Public Committee, was able to gain access to prisons, but only with prior notification to the Penitentiary Service. On some occasions during the year, however, the group reportedly experienced difficulty obtaining access even with prior notification. Nevertheless the committee was able to conduct 22 monitoring visits, consulting with 369 prisoners.

d. Arbitrary Arrest or Detention.—Although the law prohibits arbitrary arrest and detention, the government generally did not observe these prohibitions in practice, and impunity remained a problem.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs and the Ministry of National Security are responsible for internal security and report directly to the president. The Ministry of Internal Affairs oversees local police forces and maintains internal civil defense troops. The Ministry of National Security has a separate internal security force.

The OSCE mission in Baku reported that police crowd control tactics observed during peaceful demonstrations in March and April appeared "more appropriate, proportional, and measured" than in the past and reflected standards taught during OSCE training.

While security forces were generally able to act with impunity, the government asserted that it took action against 248 Ministry of Internal Affairs employees during the year, dismissing 24, demoting 10, and administering other forms of disciplinary punishment to 214. The ministry further reported that it brought 175 counts of misconduct against ministry officials accused of violating citizens' rights.

The Ministry of Justice reported that 474 of its employees were disciplined for impeding citizen's legal rights during the year. The ministry referred 11officials, involved in eight cases, to the Prosecutor General's Office for investigation. During the year nine officials were charged with fraud, embezzlement, and/or abuse of power, and four were convicted. Two investigations were pending at year's end.

The military prosecutor reported 37 cases against 47 officials in the Ministry of Defense in 2011. Also during the year, 54 officers were disciplined for abusing subordinates. Additionally, the military prosecutor brought charges against 12 military employees and one civilian employee of the military commissariats.

Arrest Procedures and Treatment While in Detention.—The law states that persons who are detained, arrested, or accused of a crime should be advised immediately of their rights, given the reason for their arrest, and accorded due process. In practice the government did not respect these provisions.

The law allows police to detain and question an individual for 48 hours without a warrant. However, police detained individuals for several days without warrants. Legal experts asserted that in other instances judges issued warrants after the fact.

Judges sentenced detainees to administrative detention within the statutory 48 hours of their arrest, but sometimes without allowing them access to an attorney. Local observers alleged that this was the case with seven of the eight persons detained on March 11at the first protest calling for political reform. Amnesty International (AI) and HRW alleged that this was also the case with a majority of detentions in the period before and during demonstrations on April 2. Persons in administrative detention are placed in pretrial detention facilities and may be held for up to 15 days. For example, the Nasimi District Court sentenced human rights lawyer Vidadi Isganderov to 15 days' administrative detention after he was arrested on his way to a protest on April 17. After 15 days his imprisonment was extended to three month's pretrial detention a result of his being officially charged with obstructing the implementation of the right to vote and interfering with the operation of election commissions during the 2010 parliamentary elections.

The law provides for access to a lawyer from the time of detention. In practice access to lawyers was poor, particularly outside of Baku. Although entitled to it by law, indigent detainees often did not have such access. Family members reported that authorities occasionally restricted family-member visits, especially to persons in pretrial detention, and occasionally withheld information about detainees. Days sometimes passed before families could obtain any information about detained relatives. There was no formal, functioning bail system, although individuals were sometimes permitted to vouch for detainees, enabling their conditional release during pretrial investigation. In addition authorities in some cases independently released defendants during the investigative phase. Politically sensitive suspects were

at times held incommunicado for several hours or sometimes days while in police custody.

Arbitrary Arrest.—Arbitrary arrest, often based on spurious charges of resisting police, remained a problem throughout the year, especially during the series of peaceful demonstrations that occurred throughout the spring. Police violations of arrest and detention procedures were also reported. In particular there were a number of cases of police detaining members of opposition political parties in connection with their attempts to hold peaceful political demonstrations.

Lengthy pretrial detention of up to 18 months occurred. The prosecutor general routinely extended the initial three-month pretrial detention period permitted by law in successive increments of several months until the government completed an investigation.

Amnesty.—On May 28, the president pardoned several persons, including imprisoned journalist Eynulla Fatullayev, whose imprisonment was widely considered to have been politically motivated, and the former first deputy head of the executive power of Baku, Eldaniz Lahijev, who was convicted of embezzling funds that should have been paid as compensation to owners of property confiscated through eminent domain.

On December 26, the president pardoned three prisoners who were on NGOs' lists of political prisoners: Jabbar Savalan, who was arrested in February and convicted May 4 of drug possession and sentenced to two and one-half years in prison; Nizami Shakhmuradov, a former riot police commander allegedly involved in a 1995 mutiny; and Mekhman Mamedov, the driver for a former prosecutor of Baku, who was charged with involvement in an alleged coup d'etat.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice judges did not function independently of the executive branch. The judiciary remained corrupt and inefficient. Verdicts were largely unrelated to the evidence presented during the trial.

The executive branch continued to exert a strong influence over the judiciary. The Ministry of Justice controlled the Judicial Legal Council, which administered the examination for judge candidates.

Credible reports indicated that judges and prosecutors took instruction from the presidential administration and the Justice Ministry, particularly in cases of interest to international observers. There continued to be credible allegations that judges routinely accepted bribes. The ministry reported that the Judicial Council dismissed two judges, transferred one to another position, and disciplined four other judges in 2011. Another 17 judges received various lesser disciplinary punishments.

In one case HRW reported that authorities convicted human rights lawyer Vidadi Isganderov in a flawed trial without presenting sufficient evidence to substantiate the charges of election interference and without considering evidence raised by Isganderov's lawyer in his defense. Isganderov's lawyer, Khalid Baghirov, was suspended from the bar association allegedly for slandering the police in the Elvin Asgarov case (see section 1.a.).

Trial Procedures.—The law provides for public trials except in cases involving state, commercial, or professional secrets or confidential, personal, or family matters. While the law provides for the presumption of innocence in criminal cases; the right of the defendant to review evidence, confront witnesses and present evidence at trial, the right of indigent defendants to a court-approved attorney, and the right of both defendants and prosecutors to appeal, these provisions were not always respected in practice. Even when the presumption of innocence was not violated explicitly, the practice of having the accused appear in handcuffs inside locked metal cages did so implicitly. However, authorities discontinued this practice following a May 31 ruling by the European Court of Human Rights (ECHR) that keeping a nonviolent defendant in a cage violated the European Convention on Human Rights.

Judges often failed to read verdicts publicly or give the reasoning behind their decisions, leaving the accused without knowledge of the reasoning behind the judgment.

Jury trials were not used. Foreign and domestic observers usually were allowed to attend trials. The use of small courtrooms with inadequate seating prevented public attendance at some hearings. Information regarding trial times and locations was generally available, although there were some exceptions, particularly in the Court of Grave Crimes.

Although the constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' privileges and rights outweighed those of the defense. Judges reserved the right to remove defense lawyers in civil cases for "good cause." In criminal proceedings judges may remove defense lawyers because of a conflict of interest or if a defendant requests a change of counsel. Judges often fa-

vored prosecutors when assessing motions, oral statements, and evidence submitted by defense counsel.

The law limits representation in criminal cases to members of the country's government-influenced Collegium (bar association). The number of lawyers who are collegium members has been decreasing: at year's end there were 738 defense lawyers, while in 2010 and 2009, the numbers were 761 and 783, respectively. The number of Collegium lawyers practicing outside the capital remained relatively steady at approximately 26 percent of all lawyers. This imbalance between the capital and the rest of the country implied that access to licensed legal representation was limited outside of Baku.

During the year the collegium disbarred or suspended three of the six lawyers who represented politically sensitive defendants arrested and tried for participating in peaceful opposition demonstrations in late winter and early spring. While the collegium stated that the three men—Osman Kazimov, Elchin Namazov, and Khalid Baghirov—were disbarred or suspended because they failed to uphold the standards expected of defense lawyers, local NGOs and international organizations asserted that the collegium's action was politically motivated and not the result of legitimate complaints. Observers also viewed the collegium's disciplinary action against lawyer Aslan Ismayilov as politically motivated. Other lawyers, including Anar Gasimly, Asabali Mustafayev and Ramiz Mammadov, reported being under pressure by the presidium of the collegium, but according to the presidium, they did not receive any disciplinary punishment.

The presidium is the managing body of the collegium and has the authority to suspend or expel lawyers, in conjunction with its disciplinary committee. The presidium was elected in 2004 to a five-year term, which should have ended in 2009.

The constitution prohibits the use of illegally obtained evidence. However, despite some defendants' claims that testimony was obtained through torture or abuse, courts did not dismiss cases based on claims of abuse, and there was no independent forensic investigator to determine the occurrence of abuse. Judges often ignored claims of police mistreatment. Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts most often ended in conviction, as judges generally required only a minimal level of proof and collaborated closely with prosecutors. In the rare instance when a judge determined that the evidence presented was not sufficient to convict a defendant, it could be returned to the prosecutor for additional investigation, effectively giving the prosecutor another chance at a conviction.

With the exception of the Court of Grave Crimes and the Military Court of Grave Crimes, courts often failed to provide translators. Courts are entitled to contract translators during hearings, with the expenses covered by the Ministry of Justice.

There were no verbatim transcripts of judicial proceedings; testimony, oral arguments, and judicial decisions were not recorded. Instead the court officer generally took notes that tended to be sparse and decided what should be included in the notes.

The country has a military court system with civilian judges. The military court retains original jurisdiction over any case in which crimes related to war or military service are adjudicated.

Political Prisoners and Detainees.—Local NGOs maintained that the government continued to hold political prisoners, although estimates of the number varied from 27 to 65. The government denied it held political prisoners. NGO estimates of the number of political prisoners also included persons imprisoned in previous years, such as individuals who were arrested in 2005 on charges of plotting a coup and subsequently convicted of corruption.

During the year the government released journalist Eynulla Fatullayev. On the other hand, authorities arrested, tried, and convicted 17 politically active men whom AI described as "prisoners of conscience."

In one example, on January 20, approximately 100 opposition activists and politicians marched to commemorate the anniversary of the 1990 killing of more than 100 Baku civilians by Soviet forces. After a standoff with police, activists were allowed to approach the martyrs' graves and lay flowers, but police confiscated a sign which was held on one end by youth activist Jabbar Savalan. On February 4, following prodemocracy demonstrations in several Arab countries, Savalan called for a "day of rage" on his Facebook page as well as on the Facebook page of the Public Chamber, an opposition umbrella group. On February 5, authorities arrested Savalan and on May 4, they convicted him of opium possession and sentenced him to two and one-half years in prison. Local and international observers viewed Savalan's arrest as politically motivated and his conviction as unsupported by the evidence. The president pardoned Savalan on December 26.

In another case widely viewed as politically motivated, youth activist and former independent parliamentary candidate Bakhtiyar Hajiyev was arrested on January 24 and had his bail revoked on March 4 within days of having participated in an online effort to organize protests for March 11. On May 18, Hajiyev was sentenced to two years in prison for refusing to serve in the military. He had sought an alternative to military service permitted by the constitution. Progovernment Lider Television ran a campaign in June and July that appeared aimed at discrediting Hajiyev, a graduate of Harvard University, by questioning his patriotism and whether he really had graduated from Harvard. Both Hajiyev's family and former professors protested the campaign.

Other public figures included among AI's "prisoners of conscience" were senior Musavat Party official Arif Hajili, human rights lawyer and former parliamentary candidate Vidadi Isganderov, and senior Popular Front Party official Sahib Karimov.

During the spring demonstrations, opposition newspaper reports indicated that police administratively detained at least seven activists in the days before a planned demonstration on March 11; 26 on March 11; 64 on March 12; 13 in the four days before a planned demonstration on April 2; 112 on April 2; and 64 on April 17. Administrative detentions ranged between six and 15 days. More than 350 other individuals who participated in the March and April demonstrations were briefly detained by police and released the same day without being charged.

Regional Human Rights Court Decisions.—Citizens have the right to appeal court decisions on human rights cases to the ECHR within six months of the first Supreme Court ruling on a case. Citizens continued to exercise this right frequently. At year's end there were approximately 100 cases involving the country awaiting action by the ECHR.

During the year the ECHR issued nine judgments that found a violation by the state of commitments under the European Convention on Human Rights. The government's compliance with ECHR decisions was mixed. In April 2010 the ECHR ruled that the imprisonment of journalist Eynulla Fatullayev violated his right to freedom of expression and ordered his immediate release. The government released Fatullayev on May 26, more than a year after the ECHR ruling. On August 8, 16 months after the ruling, the government paid Fatullayev 27,000 manat ($33,750) compensation as ordered by the ECHR.

In another case the ECHR ruled in November 2010 in favor of former minister for economic development Farhad Aliyev, who had challenged the length of his pretrial detention. In its decision the court called for the government to provide financial compensation to Aliyev for nonmaterial damage and legal expenses within three months of the date on which the decision became final, February 9. As of year's end, the government had not implemented the court's judgment. Aliyev was arrested in 2005 on coup plotting charges but was convicted of corruption.

Civil Judicial Procedures and Remedies.—The law does not provide for an independent and impartial jury in civil matters; all trials are decided by the judge. District courts have jurisdiction over civil matters in their first hearing; appeals are addressed by the Court of Appeals and then by the Supreme Court. Citizens have the right to bring lawsuits seeking damages for, or cessation of, human rights violations. As with criminal trials, all citizens have the right to appeal to the ECHR within six months after exhausting all domestic legal options.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications. The government did not respect these legal prohibitions in practice.

While the constitution allows for searches of residences only with a court order or in cases specifically provided by law, authorities often conducted searches without warrants. It was widely believed that the Ministry of National Security and the Ministry of Internal Affairs monitored telephone and Internet communications, particularly those of foreigners, some political and business figures, and persons engaged in international communication.

Police continued to intimidate and harass family members of suspected criminals and political opposition members. They continued to intimidate and harass employees and leaders of certain NGOs and their family members. Citizens reported that authorities fired individuals from jobs in retaliation for the political or civic activities of other family members.

NGOs reported that authorities did not respect the laws governing eminent domain and expropriation of property. Domestic monitors reported that the number of property rights complaints they received continued to rise compared with previous years. NGOs reported that many citizens did not trust the country's court sys-

tem and were therefore reluctant to pursue compensation claims. The country's scores for the protection of private property in the Index of Economic Freedom released on January 12 and conducted by the Wall Street Journal and the Heritage Foundation, indicated that private property rights were only weakly protected. On August 24, a consortium of local NGOs issued a press statement alleging that in the previous two years in Baku, approximately 20,000 inhabitants of 400 buildings had lost their residences and been unfairly compensated. On June 12, HRW reported that homeowners often received compensation well below market value and had few options for legal recourse.

On August 11, authorities demolished a building containing the offices of the Institute for Peace and Democracy, the Women's Crisis Center, and Azerbaijan's Campaign to Ban Landmines without prior notice and despite a court order forbidding its demolition. The leader of the Institute for Peace and Democracy, Leyla Yunus, owned the building. She and other observers attributed the demolition to her activism in support of property rights, citing in particular an article quoting her on the subject that the New York Times newspaper published the day before the demolition.

In another high profile case, on September 9, security forces of a subsidiary of the State Oil Company of Azerbaijan reportedly beat family members of journalist Idrak Abbasov while partially destroying his family's home without a prior eviction notice. An independent journalist with the Institute for Reporters' Freedom and Safety, Abbasov considered these actions as retribution for his work. Following the beatings his parents and a brother were hospitalized.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and of the press and specifically prohibits press censorship; however, the government often did not respect these rights in practice. During the year the government continued to limit media independence. Although the government released journalist Eynulla Fatullyev, three journalists remained imprisoned or faced criminal charges at year's end.

Freedom of Speech.—The constitution provides for freedom of speech, but the government restricted this right with regard to subjects it considered politically sensitive. For example, authorities routinely denied activists' requests to hold public meetings, and in March and April they prevented youth and opposition activists from holding peaceful demonstrations in Baku. The convictions of 17 people during the year who attempted to exercise freedom of speech raised concerns about authorities' use of the judicial system to punish dissent.

Freedom of Press.—A number of opposition and independent media outlets operated during the year. While the print media expressed a wide variety of views on government policies, objective, professional reporting was rare. Newspaper circulation rates remained low, not surpassing 5,000 in most cases. Credible reports indicated that opposition newspapers were available outside of Baku only in limited numbers due to the refusal of a number of distributors to carry them. The broadcast media adhered almost exclusively to a progovernment line in their news coverage. All foreign broadcasters, including the Voice of America, Radio Free Europe/Radio Liberty, and the BBC, remained prohibited from broadcasting on FM frequencies.

The government used the media to discredit those with dissenting views. In one example, in April, an illegitimately obtained video of journalist Gan Turali and another of journalist Natig Adilov's private activities while at the Afra Hotel in Oguzwere broadcast on nationwide Lider Television in an apparent attempt to disgrace the journalists. Adilov sued Lider Television for breaking the law prohibiting videotaping or photographing anyone without their permission. Lider was considered to be closely aligned with the government. At the last hearing held on September 9, the judge postponed Adilov's proceeding indefinitely. At year's end no date for its continuation had been set.

During the year the government released journalist Eynulla Fatullayev; three journalists remained in prison or faced criminal charges. Ramil Bayramov, the editor in chief of islamazeri.az online newspaper, was arrested on weapons and narcotics charges by the Ministry of National Security on August 11. Aydin Janiyev, a Khural newspaper reporter, was convicted of hooliganism while resisting an official police order on November 21. He was sentenced to three years in prison. Avaz Zeynalli was accused of blackmail and arrested on October 28. Ayear's end Zeynalli's and Janiyev's trials were pending.

International and local commentators believed that the government targeted the journalists due to their criticism of government figures and policies.

Violence and Harassment.—A media-monitoring NGO reported that during the year there were 90 incidents involving 72 journalists, compared with 106 incidents involving verbal or physical assaults on journalists in 2010 and 51 such cases in 2009.

For example, according to Radio Free Europe (RFE), on April 3, three unidentified assailants kidnapped opposition Azadliq reporter Ramin Deko and warned him to stop criticizing authorities and participating in protests. On April 4, RFE reported that two unidentified assailants attempted to beat Deko when he was returning home from work.

Four days after Institute for Reporter Freedom and Safety reporter Hakimeldostu Mehdiyev helped Frankfurter Allgemeine Zeitung journalist Michael Ludwig attempt to report a story on Nakhchivan, the deputy head of the executive authority of the Sharur District in Nakhchivan, Aladdin Mammadov, came to Mehdiyev's home on July 13 and cut the power supply to the car-washing station in his driveway. Police allegedly assaulted journalists Elman Abbasov and Ilgar Nasibov as they attempted to film the scene and briefly detained Mehdiyev, Abbasov, and Nasibov. Ludwig had left Nakhchivan on July 9, unable to write his story because of officials' interference. Shortly thereafter the Sharur Regional Prosecutor's Office opened a criminal case against Mehdiyev for allegedly diverting electricity. The court of first instance found Mehdiyev guilty, and the Supreme Court of Nakhchivan upheld his conviction.

There were reports of police officers harassing, and in some cases assaulting, journalists trying to cover the spring demonstrations (see Section 2.b.)

There were no indications that authorities held any police officers accountable for physical assaults on journalists in recent years.

Journalists and media rights leaders, including the OSCE's representative for freedom of the media, continued to call for accountability for the 2005 killing of Elmar Huseynov. Lawsuits suspected of being politically motivated were also used to intimidate journalists and media outlets.

The majority of independent and opposition newspapers remained in a precarious financial situation and continued to have problems paying wages, taxes, and periodic court fines. Most relied on political parties or influential sponsors for financing. According to prominent journalists, government representatives directly or indirectly dissuaded companies and institutions from placing advertising in opposition media. As a result paid advertising was largely absent in opposition media.

The government prohibited some state libraries from subscribing to opposition newspapers, prohibited state businesses from buying advertising in opposition newspapers, and pressured private businesses not to advertise in them. Political commentators noted that these practices reduced the wages that opposition and independent outlets could pay to their journalists, allowing progovernment outlets to hire away quality staff. In addition international media monitoring reports indicated that intimidation by officials of the Ministry of Taxes further limited the independence of the media.

While there were no restrictions on systems to receive satellite broadcasts by foreign stations, the National Television and Radio Council required that local, privately owned television and radio stations not rebroadcast entire news programs of foreign origin.

Censorship or Content Restriction.—Most media practiced self-censorship and avoided topics considered particularly sensitive.

Libel Laws/National Security.—The law allows for large fines and up to three years' imprisonment for persons convicted of libel. Administration officials stated publicly in 2009 that this provision would be removed from the criminal code, and subsequently courts overturned the conviction of two journalists for libel. However, libel remains a criminal offense. According to a local media rights organization, during 2011 judges found instances of libel and awarded fines to the complainants in the amount of 2.7 million manat ($3.4 million) against newspapers or their owners.

Publishing Restrictions.—The government continued to use import controls and withhold government preapproval to make it difficult for religious organizations to import religious materials. An editor reported that he failed to find either a publisher or a distributor for a new newspaper project because the publisher knew that to publish such a newspaper would imperil his business.

Internet Freedom.—The government generally did not restrict access to the Internet, but it required Internet service providers to be licensed and have formal agreements with the Ministry of Communications and Information Technologies.

There were indications that the government monitored Internet communications. For example, a majority of those detained before the peaceful March 11 protest had been politically active on Facebook.

The government was accused of blocking access to opposition Web sites on occasion. For example, on September 5, access to the Web site of the opposition newspaper Azadliq suffered a denial of service attack, according to editor Rovshan Hajiyev. In the exclave of Nakhchivan, Web site blockages were reportedly much more common.

Academic Freedom and Cultural Events.—The government on occasion restricted academic freedom. At year's end opposition activists estimated that at least three students, Jabbar Savalan, Tural Abbasli, and Elnur Majidli, had been expelled for their participation in the spring peaceful protests.

On November 4, the Forum of Azerbaijani Intelligentsia (FAI) held a discussion entitled "The Road to National Unity." At the discussion participants expressed concerns regarding corruption, bureaucratic arbitrariness, increasing social injustices, and a widening gap between the rich and the poor. On November 7, the Azerbaijan State Oil Academy fired Rafig Aliyev, a full member of the National Academy of Sciences and chairman for 22 years of the Oil Academy's Department of Automated Management Systems. Opposition sources believed Aliyev's firing was in retaliation for his participation at the FAI. On November 14, 245 professors reportedly signed a statement condemning the FAI and supporting the government. Later, a few recanted their signatures, stating they did not intend to sign, had not signed the statement, or thought they were signing a petition in support of Rafig Aliyev. On December 29, the FAI attempted to hold another meeting at the Hyatt Regency, which hotel management prevented by turning off the electricity, as reported in the opposition press. The meeting was held at an NGO's office the next day.

Some domestic observers raised concerns that the government's selection of participants for state-sponsored study abroad programs was biased and took political affiliation into account. The government maintained that its selection process was transparent and political affiliation was not a factor. Opposition party members continued to report difficulties in finding jobs teaching at schools and universities. Most known opposition party members teaching in state educational institutions had been fired in previous years.

NGOs reported that local executive authorities on occasion prevented the expression of minority cultures, for example, by forbidding dances and the use of store signs in minority languages.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly. However, the government severely restricted the right of assembly in practice. At year's end 15 activists remained imprisoned after participating in peaceful demonstrations during the spring, including: Arif Hajili, Shahin Hasanli, Sahib Karimov, Mahammad Majidli, Rufat Hajibeyli, Ulvi Guliyev, Tural Abbasli, Elnur Israfilov, Elnur Majidli, Babek Hasanov, Vidadi Isganderov, Zulfugar Eyvazli, Arif Alishli, Elshan Hasanov, and Ahad Mammadli.

While the constitution stipulates that groups may peacefully assemble after notifying the relevant government body in advance, the government continued to interpret this provision as a requirement for prior permission. Local authorities continued to require all rallies to be preapproved and held at designated locations, always far from city centers. Most political parties and NGOs found such requirements unacceptable and believed them to be unconstitutional. Authorities throughout the country routinely refused to acknowledge notifications, thereby effectively denying the freedom to assemble.

During the first four months of the year, youth and opposition activists organized a number of peaceful protests. Following similar demonstrations in the Middle East and North Africa, protesters called for democratic reforms and the government's resignation. The government responded by denying activists' requests to hold such rallies on multiple occasions and forcibly breaking up several unsanctioned pickets and demonstrations. Some international human rights organizations reported that security forces used excessive force. Authorities incarcerated a number of protesters (see sections 1.d, 1.e., and 2.a.).

The government also denied NGO and religious activists' requests to hold demonstrations during the year.

Officials often detained protesters for several hours, often arbitrarily. For example, on March 12, the opposition Musavat party held a demonstration after formally notifying the Baku Municipal Authority. Baku officials refused to accept the notification, and police detained 64 protesters temporarily and sentenced 10 to administrative detention for eight to 10 days.

In another case, on April 2, the Public Chamber held a demonstration, after formally notifying the Baku Municipal Authority. Thirteen citizens were detained in advance of the demonstration. During the demonstration police arrested 112 pro-

testers, including several who later were convicted of criminal charges and recognized by Amnesty International (AI) as prisoners of conscience.

According to observers from the OSCE Office in Baku who monitored the April 2 protest activities at five locations, the conduct of uniformed and nonuniformed personnel was inconsistent and varied from measured and proportionate to undue and disproportionate. In addition the observers saw nonuniformed personnel beating protesters, kicking them when they were lying on the ground, and hitting journalists wearing clearly marked press clothing.

AI characterized the government's response to the March and April rallies as a "crackdown on freedom of assembly." In a November report, AI stated that its representatives monitoring the March 11 and 12 demonstrations saw police use "excessive force to disperse and arrest the peaceful protesters."

Authorities applied restrictions on unsanctioned protests arbitrarily, permitting demonstrations against the political opposition to take place even when advance notice had not been officially provided. For example, during the year at least four unsanctioned progovernment protests attempted to smear an opposition leader by making allegations about his sexual orientation, playing on popular prejudices against homosexuality. Authorities allowed these protests to go forward, and no one was detained or arrested.

Freedom of Association.—The law provides for freedom of association, although in practice the government's restriction of this right continued during the year. A number of provisions allow the government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register either with the Justice Ministry or the State Committee on Work with Religious Associations. Although the law requires the government to act on registration applications within 30 days of receipt, vague, cumbersome, and nontransparent registration procedures continued to result in long delays that limited citizens' right to associate.

On March 4, Ganja regional officials evicted three local NGOs from their offices, according to an AI report, without any legal justification. On March 7, the authorities ordered the National Democratic Institute (NDI) Azerbaijan office to stop its activities pending registration by the Ministry of Justice, a process that would involve the negotiation of an agreement between NDI and the ministry. On March 10, officials issued a similar order to the Norwegian Human Rights House of Azerbaijan. On March 16, the government issued a decree on the implementation of a 2009 law's requirements for international NGOs operating in the country. In September authorities authorized NDI to resume its work while approval of its registration application remained under consideration.

In an October 19 opinion, the Venice Commission raised a number of concerns about the compatibility of the law on NGOs with human rights standards and noted with concern that "to condition the views, activities, and conduct of an NGO before allowing it to obtain the legal personality necessary for its operation, goes against the core of the values underlying the protection of civil and political rights."

The law on NGOs restricts freedom of association, including by requiring deputies of NGO branches to be Azerbaijani citizens and requiring foreign NGOs to sign an agreement with the government before opening an office. In addition a presidential decree modifying the law on NGOs includes a requirement that they register all grants they receive with the Ministry of Justice.

Some experts estimated that approximately 1,000 NGOs remained unregistered at year's end. The Ministry of Justice stated that it registered 144 NGOs in 2011 and 124 in 2010.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government limited freedom of movement at times, particularly for internally displaced persons (IDPs).

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The State Migration Service was responsible for all refugee matters, including refugee status determination. International NGOs continued to report that this department remained inefficient and did not operate transparently.

Foreign Travel.—Since 2006 the government has prevented the foreign travel of Popular Front Party chairman Ali Kerimli by refusing to renew his passport. The government cited an outstanding civil complaint against him from 1994 as the reason for the refusal, although it had renewed Kerimli's passport without objection on

several occasions in the years since the complaint was filed. Kerimli's appeal of the decision was rejected at all levels of the court system. In 2009 Kerimli submitted a complaint to the ECHR, which had not heard the case at year's end.

The law requires men of draft age to register with military officials before traveling abroad. Those pursuing higher education may request a deferment to complete their studies. The law on military service does not stipulate deferments for undergraduate or graduate studies although military draft boards commonly granted such deferments upon presenting annual proof of enrollment. Some travel restrictions were placed on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad. Officials regularly extracted bribes from individuals who applied for passports.

While official government policy allows citizens of ethnic Armenian descent to travel, low-level officials reportedly often requested bribes or harassed ethnic Armenians who applied for passports.

Internally Displaced Persons (IDPs).—As of year's end the UNHCR reported that there were 599,192 registered IDPs in the country, representing 152,548 families. The vast majority fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict.

IDPs were required to register their places of residence with authorities and could live only in approved areas. This "propiska" system is a carryover from the Soviet era and was enforced mainly against persons who were forced from their homes after ethnic Armenian separatists took control of the Nagorno-Karabakh region and adjacent territories in the western part of Azerbaijan. The government asserted that registration was needed to keep track of IDPs in order to provide them with assistance. According to the Internal Displacement Monitoring Center, many IDPs who resided in Baku were unable to register their residences or gain access to formal employment, government assistance, health care, education, or pensions and had difficulty buying property.

In December the Brookings Institution-London School of Economics Project on Internal Displacement released a report that noted that while the government took demonstrable steps in recent years to improve IDP living conditions, many IDPs still lived in dilapidated, overcrowded public buildings and had poor access to social services, particularly education and health services.

The UNHCR reported that during the year, the government rehoused 2,120 families, representing approximately 10,600 individuals. The rehousing occurred in the Agjabadi, Goranboy, Absheron, Baku. and Qazax regions.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to some refugees through the Refugee Status Determination Department at the State Migration Committee. The UNHCR recognized 1,703 individuals (asylum seekers, persons of concern to UNHCR, and refugees recognized under the UNHCR mandate) in Azerbaijan and provided them with UNHCR Letters of Protection. The three largest active refugee populations were Chechens, Afghans, and Iranians.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. According to the UNHCR, most persons granted refugee status were ethnic Azerbaijanis from Iran. The government did not provide any notable assistance to government- or UNHCR-recognized refugees or asylum seekers. However, it did not force refugees back to their countries of origin, and it respected the UNHCR protection letters.

Temporary Protection.—The government has no legal mechanism to provide temporary protection to individuals who do not qualify as refugees. The government accepted the protection letters the UNHCR issued to those it considered refugees. As a result the UNHCR continued to carry out all protection and assistance functions for populations of concern in the country. Despite UNHCR recognition of Chechens, Afghans, and Iranians as populations of concern, Azerbaijani laws on residence, registration, and the status of refugees and IDPs do not apply to these persons, who are required to register with police and are not entitled to residence permits. Neither those refugees recognized by the State Migration Committee nor those protected by the UNHCR's letters were legally allowed to work.

Stateless Persons.—Citizenship is derived by birth within the country or from one's parents. The law provides for the right to apply for stateless status. However, in practice some persons could not obtain the documentation required for the application and therefore remained formally unrecognized. The law on citizenship was

amended in 2008 to make it harder for foreigners and stateless persons to obtain citizenship.

According to UNHCR statistics, there were 2,078 stateless persons in the country at the end of 2009. The vast majority of these were ethnic Azeris from Georgia or Iran. NGOs estimated there were many other undocumented stateless persons, with estimates ranging from hundreds to tens of thousands.

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

The constitution and law provide citizens with the right to change their government peacefully; however, the government continued to restrict this right in practice by interfering in elections. The law also provides for an independent legislature; however, the Milli Majlis's independence was constrained, and it exercised little legislative initiative independent of the executive branch.

Elections and Political Participation.—Recent Elections.—Although both progovernment and opposition political parties participated in the November 2010 parliamentary elections, these elections did not meet a number of international standards for democratic elections. According to domestic and international observers, shortcomings included a biased candidate registration process, constraints on freedom of assembly and expression, a restrictive political environment, unbalanced media coverage of candidates, and unequal treatment of candidates by authorities. The OSCE observation mission final report concluded that overall, the elections did not meet a number of key OSCE commitments for democratic elections or important elements of domestic legislation. There also were reports of pressure on domestic election observers, candidates, and family members. Such pressure included the firing of such individuals from their jobs and, in Nakhchivan, beatings.

President Ilham Aliyev, the son of former president Heydar Aliyev, was elected to a second term in 2008, also in a flawed election.

Political Parties.—There were 50 registered political parties. However, the ruling Yeni Azerbaijan Party continued to dominate the political system. Domestic observers reported that membership in the ruling party conferred advantages, such as being given preference for public positions. For the first time since the country's independence, the Milli Mejlis after the 2010 election did not include representatives of the Musavat and Popular Front opposition parties.

Members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. Members of regional and central branches of opposition parties reported that local authorities often took actions to prevent routine party activities, for example, by pressuring restaurant owners not to allow opposition parties to use their facilities for meetings and events. During the year there were reports that these types of pressure occurred in Baku. Regional party members often had to conceal the purpose of their gatherings and hold them in remote locations. Opposition party members reported that police often dispersed small gatherings at tea houses and detained participants for questioning. Opposition parties continued to have difficulty renting office space, reportedly because landlords were afraid of official pressure; some parties operated out of their leaders' apartments.

Participation of Women and Minorities.—There were 19 women in the Milli Mejlis. The percentage of female members of parliament increased from 11 to 16 percent between 2005 and 2010. One woman held a ministerial-level position. Members of minority groups such as the Talysh, Avars, Russians, and Jews served in the Milli Mejlis and in government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not effectively enforce the law, and there was widespread corruption with impunity, including in the civil service, government ministries, and the highest levels of government.

On February 2, the government launched a well-publicized anticorruption campaign. Many low- and mid-level bureaucrats were fired and local observers reported a reduction in bribe seeking by government employees. The campaign did not reach the upper levels of government, however, and local sources reported that in some areas low-level government officials returned to bribe seeking.

Transparency International and other observers described corruption as widespread during the year.

Key provisions of the government's 2007 national strategy for increasing transparency and combating corruption remained unimplemented at year's end, although new anticorruption measures were included in the National Action Plan on Human Rights issued on December 27. One measure in the plan repeated the call for imple-

mentation of the law requiring officials to disclose their annual income, sources of income, property, and financial liabilities. Other measures would prohibit nepotism and limit gifts and direct or indirect financial benefits to public officials or third parties.

Criminal cases related to bribery and other forms of corruption affecting daily life were initiated during the year. However, no senior officials were prosecuted for corruption.

Corruption among law enforcement officers was a problem. Despite a decrease in bribe seeking early in the year, police later returned to their previous practice of levying spurious, informal fines for traffic and other minor violations and extracting protection money from local residents. During the year traffic police officers received pay raises to counter corruption, but the low wages of other law enforcement officials continued to contribute to police corruption.

During the year the Ministry of Internal Affairs reported that it investigated 38 counts of corruption. It took disciplinary action for corruption-related violations against 53 employees during the year, dismissing 29, demoting 22, and issuing official warnings to two. The Baku City Central Police Department forwarded investigations against two employees to the prosecutor general's Anticorruption Department. The department opened a criminal case, which continued under investigation at year's end.

There were reports that police officials required additional payment on top of court-imposed fines before returning prisoners' clothing and releasing them.

Military service is universal for men between the ages of 18 and 35. Service may be waived for physical reasons such as poor eyesight. There was widespread belief in society that one could pay a bribe for a waiver from military service. Citizens also believed that assignments to easier military duties could be bought for a smaller bribe.

The law provides for public access to government information by individuals and organizations; however, the government often did not permit access. Although various government ministries have separate procedures on how to request information, they all routinely denied requests, claiming not to possess the information. Individuals have the right to appeal the denials in court, but the courts generally upheld the decisions of the ministries.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although the government maintained ties with some human rights NGOs and responded to their inquiries, on occasion it criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued routinely to deny registration to some human rights NGOs on arbitrary grounds. For example, it routinely rejected the registration applications of NGOs whose names contained the words "human rights," "democracy," "institute," and "society." A number of cases challenging such rejections were making their way through the court system, and at least one was submitted to the ECHR. Local NGOs monitoring the registration process estimated that there were approximately 1,000 unregistered NGOs. During the year the Ministry of Justice registered 144 NGOs.

During the year a number of NGOs reported continued pressure against their activities, and some reported that pressure and restrictions increased (see section 2.b., Freedom of Association). In a high-profile example, authorities demolished a Baku building housing three NGOs, including the Institute for Peace and Democracy. The institute's head and owner of the building, prominent human rights advocate Leyla Yunus, considered the demolition to be government retribution for her activism on behalf of property rights. Her employees reported being followed or having authorities visit their houses. In another example a human rights monitor was told by an employee of the Nakhchivan Ministry of National Security that she was a traitor to the country.

Some civil society organizations reported landlords were under pressure not to rent to them. For example, on March 10, the Ministry of Justice ordered the Human Rights House of Azerbaijan (HRH) to cease its activities, although it had been registered since 2007. The order was allegedly to remain in effect until an agreement between the Ministry of Justice and HRH was reached. HRH was unable to reach such an agreement, and in December local observers reported that the landlord, under pressure from the government, refused to renew HRH's lease.

During the year the Council of State Support to NGOs provided two million manat ($2.5 million) to 338 NGOs. While many of these NGOs were considered progovernment or politically neutral, some NGOs that were critical of the govern-

ment also received grants. One NGO sued the council for revoking a grant awarded to it in 2010. The NGO stated the grant was revoked after the NGO submitted an official complaint about the council's grant review process, which the NGO alleged was corrupt. The Supreme Court dismissed the case on June 30, and the NGO appealed the case to the ECHR.

U.N. and Other International Bodies.—The government generally permitted unrestricted access to alleged political prisoners by international humanitarian organizations such as the ICRC as well as U.N. representatives. However, the government did not issue a visa to the Council of Europe rapporteur on political prisoners, Christoph Straesser, during the year.

Government Human Rights Bodies.—Citizens may appeal violations committed by the state or by individuals to Ombudsman for Human Rights Elmira Suleymanova, or Ombudsman for Human Rights for the Nakhchivan Autonomous Republic Ulkar Bayramova. The ombudsman may refuse to accept cases of abuse that are more than a year old, anonymous complaints, or cases already being handled by the judiciary.

The Ombudsman's Office received 8.7 percent more complaints than in 2010 (12,680, up from 11,660). The office accepted 47 percent of the complaints for investigation and reported resolving 65 percent of the accepted complaints. The top three complaint categories were labor rights, social provisions, and legal rights.

The Nakhchivan Autonomous Republic's Ombudsman reported receiving 26 complaints, a decrease from 48 the year before. The ombudsperson found 20 complaints to be without merit and addressed six complaints.

The Milli Mejlis and the Ministry of Justice also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the Human Rights Office within the Ministry of Foreign Affairs regularly met with the diplomatic community to discuss issues of concern.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not always respect these prohibitions in practice or effectively enforce them.

Women.—Rape and Domestic Violence.—Rape is illegal and carries a maximum sentence of 15 years in prison. The Ministry of Internal Affairs reported 16 counts of rape (three involving victims who were minors), 11 counts of attempted rape, 28 counts of violence of a sexual nature, four counts of sexual violence against a minor, two counts of forcing actions of a sexual nature, 112 counts of statutory rape, and two counts of immoral conduct with minors.

During the year female members of parliament and the head of the State Committee on Women and Children increased their activities against domestic violence. Media coverage of domestic violence issues also began to raise awareness of the problem. A 2010 law establishes a framework for investigation of domestic violence complaints, defines a process to issue restraining orders, and calls for the establishment of a shelter and rehabilitation center for victims. Some critics of the domestic violence law asserted that a lack of clear implementing guidelines reduced its effectiveness. Despite the law, violence against women, including domestic violence, continued to be a problem. In rural areas women had no effective recourse against assaults by their husbands or others.

In Baku a women's crisis center associated with the Institute for Peace and Democracy provided free medical, psychological, and legal assistance to women. The center also worked on a number of projects funded by international donors to combat gender-based violence and trafficking in persons in the Caucasus region.

Sexual Harassment.—While the law prohibits sexual harassment, the government rarely enforced the prohibition. The State Committee for Family, Women, and Children Affairs worked extensively on women's issues.

Reproductive Rights.—Couples and individuals have the right to decide freely the number, spacing, and timing of their children. Information was accessible so families and individuals could make reproductive decisions free from discrimination, coercion, and violence. Contraception was widely available, but demographic surveys showed low levels of use. Skilled attendance during childbirth was accessible, as was prenatal care and essential obstetric and postpartum care. Women and men had equal access to the diagnosis and treatment for sexually transmitted infections. Patriarchal norms, based on cultural, historical, and socioeconomic factors, in some cases limited women's reproductive rights.

Discrimination.—Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and lagging eco-

nomic development in the country's rural regions continued to restrict women's roles in the economy, and there were reports that women had difficulty exercising their legal rights due to gender discrimination. Women were underrepresented in high-level jobs, including top business positions. A local NGO reported that women's average salaries were approximately 70 percent of men's average salaries.

Children.—Birth Registration.—Citizenship is derived by birth within the country or from one's parents. Registration at birth happened routinely for births occurring in hospitals or clinics. However, among some of those born at home (for example, Romani families or those suffering from economic deprivation), registration sometimes did not occur and statelessness for the children was a problem. The Ministry of Internal Affairs and the Ministry of Justice made progress during the year in registering undocumented children after identifying them as a population vulnerable to trafficking.

Education.—The law requires the government to protect the rights of children with regard to education and health care. In practice government programs provided a low standard of education and health care for children. While education was compulsory, free, and universal until the age of 17, large families in impoverished rural areas sometimes placed a higher priority on the education of male children and kept girls to work in the home. Some poor families forced their children to work or beg rather than attend school. A Baku NGO working with street children reported that boys and girls engaged in street begging and prostitution. The French news service Agence France Presse reported that some parents kept their daughters out of public schools in response to the ban on the hijab in elementary and secondary schools that was announced by the minister of education in December 2010.

Child Abuse.—During the year the Ministry of Internal Affairs reported the receipt of three counts of rape involving underage victims; four counts of sexual violence against minors; 112 counts of statutory rape; and two counts of immoral acts against minors. There were reports that children were trafficked for sexual exploitation and begging. Statutory rape is defined as "the sexual relations or other actions of sexual nature, committed by a person who has reached 18, with a person who has not reached 16" and is punishable by up to three years' imprisonment.

Child Marriage.—NGOs reported that the number of early marriages continued to increase. Girls who married under the terms of religious marriage contracts (kabin or kabin-nama) were of particular concern, as these evade governmental oversight and do not entitle the wife to recognition of her status in case of divorce. The Social Union of Solidarity among Women reported numerous instances in which men moved to Russia for work, leaving their underage wives in Azerbaijan.

A joint study conducted in 2011 by the Azerbaijan State Committee on Family, Woman, and Children; the International Center for Social Studies and UNICEF examined the increasing incidence of child marriage and found that 59 percent of respondents were convinced that the local population approved of child marriage while 22 percent believed that the local population disapproved. Although the report described difficulties in obtaining an accurate estimate of early marriages, it cited the growing number of children delivered by mothers who were between the ages of 15 and 17 as indirect evidence of earlier marriages. According to the study, between 1990 and 2004, the number of children born to women without registered marriages rose from 2.6 percent to 20.3 percent.

According to newspaper reports, in November the parliament amended the age of consent law to state that a girl can marry at the age of 18 and with the local authority's permission, at the age of 17. The law further states that a boy can marry at the age of 18. In 2002 the Caucasus Muslim Board issued a fitva (fatwa) that defined 18 as the marriage age, but the fitva failed to have much effect on kabin religious marriage contracts.

Sexual Exploitation of Children.—Pornography is prohibited by law, and its production, distribution, or advertisement is punishable by three years' imprisonment. The recruitment of minors for the purpose of prostitution (involving a minor in immoral acts) is punishable by a sentence of three to five years, although the presence of such aggravating factors as violence could increase the potential sentence to five to eight years. During the year the Ministry of Internal Affairs reported one count involving the illegal distribution of pornographic materials and two involving the recruitment of minors for prostitution.

Displaced Children.—A large number of refugee and IDP children lived in substandard conditions. In some cases these children were unable to attend school. During the year the government reported that it spent 320-400 million manat ($400-$500 million) on assistance to IDPs, primarily for housing, health care, and edu-

cation. The government stated that it spent 3.6 billion manat ($4.5 billion) on assistance to IDPs during the previous five years.

International Child Abductions.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were no credible reports of anti-Semitic acts against the country's Jewish community, which numbered between 15,000 and 20,000 individuals.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not enforce these provisions effectively. Employment discrimination remained a problem. A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There were no laws mandating access to public or other buildings, information, or communications for persons with disabilities, and most buildings were not accessible.

Care in facilities for persons with mental and other disabilities varied; some provided adequate care, while in others, qualified caregivers, equipment, and supplies were inadequate to maintain sanitary conditions and provide a proper diet.

The Ministries of Health and Labor and Social Welfare are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Some of the approximately 20,000 to 30,000 citizens of Armenian descent living in the country historically complained of discrimination in employment, housing, and the provision of social services. Citizens who were ethnic Armenians often concealed their ethnicity by legally changing the ethnic designation in their passports. There were no reports of violence against Armenians during the year.

Some groups reported sporadic incidents of discrimination, restrictions on their ability to teach in their native languages, and harassment by local authorities. These groups included Talysh in the south, Lezghi in the north, Meskhetian Turks, and Kurds displaced from the regions controlled by Armenia-supported Nagorno-Karabakh separatists.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Numerous incidents of police brutality against individuals based on sexual orientation occurred, according to a local NGO. Authorities did not investigate or punish those responsible for such acts, and victims often were unwilling to file complaints due to fear of social stigma. A local NGO reported 80 police raids directed at the lesbian, gay, bisexual and transgender (LGBT) community during the year.

Members of the LGBT community continued to refuse to lodge formal complaints with law enforcement bodies out of fear of reprisal or retaliatory persecution.

One NGO worked on LGBT issues in the country. This NGO worked to prevent the spread of HIV/AIDS and provided legal advice, psychological assistance, and outreach activities. The NGO reported no official harassment of its work. There were no attempts to organize gay pride marches during the year, but there was a small private gathering on May 17 to commemorate the International Day Against Homophobia.

There was societal prejudice against LGBT persons. While dismissing an employee for reasons related to sexual orientation is illegal, LGBT individuals reported that employers found other reasons to dismiss them. Discrimination in access to health care was also a problem. LGBT persons reported that police often broke up their gatherings and blackmailed them into giving the police money.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discriminations against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for freedom of association, including the right to form labor unions. Uniformed military and police are prohibited from joining unions. The law also prohibits managerial staff from joining unions, but managers in government industries often had union dues automatically deducted from their paychecks. The law allows unions to conduct their activities without government interference. The law provides most

workers with the right to strike. Categories of workers prohibited from striking include high-ranking executive and legislative officials; law enforcement officers; court employees; fire fighters; and health, electric power, water supply, telephone, railway, and air traffic control workers. Striking workers who disrupt public transportation could be sentenced to up to three years in prison. The law prohibits retribution against strikers, such as dismissal or replacement. The law provides workers with the right to bargain collectively; however, unions could not effectively negotiate wage levels and working conditions because government-appointed boards ran major state-owned firms and set wages for all government employees. The law does not prohibit trade unions from carrying out political activities. Restrictions on trade unions' associating with or receiving finances from political parties exist, although this provision was not uniformly enforced.

Although the labor law applied to all workers and enterprises, the government could negotiate bilateral agreements that effectively exempted multinational enterprises from national labor laws. For example, production-sharing agreements (PSAs) between the government and multinational energy enterprises did not provide for employee participation in a trade union. Labor organizations and local NGOs reported that some of these companies discouraged employees from forming unions, and most employees of multinational enterprises operating under PSAs were not union members, although there were exceptions. Workers employed by British Petroleum were unionized, but the situation was worse in other multinational corporations, especially companies with third-country subcontractors.

The Azerbaijani Trade Union Confederation (ATUC) is the only trade union confederation in the country. Although ATUC was registered as an independent organization, some workers considered it closely aligned with the government.

In practice there were some restrictions on the right to form unions and conduct union activities. Most unions were not independent. The overwhelming majority of them remained tightly linked to the government, with the exception of some journalists' unions. Both local and international NGOs claimed that workers in most industries were largely unaware of their rights and afraid of retribution if they initiated complaints. This was especially true for workers in the public sector.

Collective bargaining agreements were often treated as formalities and not enforced. ATUC reported that at the start of the year it represented 1,600,000 members in 26 spheres. ATUC only has access to those organizations that are members. If a firm is not a member of ATUC, responsibility falls to the Ministry of Labor and Social Protection. During the year ATUC stated that it helped 235 persons appeal their dismissal from work, including 87 from a private oil company. In addition 109 organizations joined ATUC and 171 left it, the latter because they went out of business. During the year ATUC received approximately 159,000 appeals and resolved 109,000. Each year ATUC signs a tripartite agreement with the Council of Ministers and the Confederation of Enterprises. Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. A quarter of the dues collected for the oil workers' union were officially withheld by employers for "administrative costs" associated with running the union. Moreover, a complete lack of transparency made it impossible to tell exactly how dues were spent. Unions and their members had no recourse to investigate withheld funds.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 65,000 workers, whose union dues (2 percent of each worker's salary) were automatically deducted from their paychecks.

There were reports of antiunion discrimination by foreign companies operating in Baku. For example, ATUC reported that management at McDonalds actively discouraged its workforce of 140 employees from unionizing. ATUC stated that court cases over such discrimination continued. Labor NGOs reported that multinational energy companies and their subcontractors often discouraged union membership by their employees. For many multinational companies, the absence of union membership rights in the PSAs facilitated this behavior.

b. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, except in circumstances of war or in the execution of a court's decision under the supervision of a government agency.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for the protection of children from exploitation in the workplace and from work that is dangerous to their health. There were few complaints of abuses of child labor laws. Two local NGOs stated that the drastic decline in cotton production reduced the number of children working in this sector. In addition the government,

accompanied by an NGO, investigated and found no children working in the cotton fields. Children were reportedly trafficked for begging.

The minimum age for employment depended on the type of work. In most instances the law permits children to work from age 15; children age 14 may work in family businesses or, with parental consent, in daytime after-school jobs that pose no hazard to their health. Children under 16 may not work more than 24 hours per week; children between the ages of 16 and 17 may not work more than 36 hours per week. The law prohibits employing children under 18 in difficult and hazardous work conditions and identifies specific work and industries from which children are barred, including work with toxic substances and underground, at night, in mines, in night clubs, bars, casinos or other businesses that serve alcohol. The Ministry of Labor and Social Security is responsible for enforcing child labor laws. The unit responsible was working on becoming more effective.

d. Acceptable Conditions of Work.—The government raised the national minimum wage to 93.50 manat ($117) per month on December 1. The government defined the 2011 poverty line, on average, to be 95 manat per month ($119), adjusting the level for certain categories to 102 manat ($128) for able-bodied persons, 72 manat ($90) for pensioners, and 76 manat ($95) per child.

The law provides for a 40-hour workweek; the maximum daily work shift is 12 hours. Workers in hazardous occupations may not work more than 36 hours per week. The law requires lunch and rest periods, which are determined by labor contracts and collective agreements. It was not known whether local companies provided the legally required premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. However, most individuals worked part-time in the informal economy, where the government did not enforce contracts or labor laws.

The law provides equal rights to foreign and domestic workers. However, local human rights groups, including the Oil Workers Rights Defense Council, maintained that employers, particularly foreign oil companies, did not always treat foreign and domestic workers equally. Domestic employees of foreign oil companies often received lower pay and worked without contracts or health care.

While the law sets health and safety standards, government inspection of working conditions was weak and ineffective, and standards were widely ignored. ATUC monitored compliance with labor and trade regulations, including safety and health conditions. The Ministry of Labor Inspectorate reported conducting 4,657 inspections during the year.

According to the Oil Workers Rights Defense Council, an NGO dedicated to protecting worker rights in the oil sector, during the year there were 23 deaths (an increase from 10 in 2010) and 22 complaints of on-the-job injuries. There were also complaints of failure to pay allowances.

ATUC reported that industrial deaths totaled 97 during the year, with 26 of them in construction. Only one of the 26 construction deaths occurred in an ATUC-affiliated construction firm. Of the 97 workers killed, 37 were employed as ATUC members.

BELARUS

EXECUTIVE SUMMARY

Belarus is an authoritarian state. The country's constitution provides for a directly elected president, who is chief of state, and a bicameral parliament, the national assembly. A prime minister appointed by the president is the nominal head of government. In practice, however, power is concentrated in the presidency. Since his election as president in 1994, Alyaksandr Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means, including manipulated elections and arbitrary decrees. Subsequent presidential elections, including the one held in December 2010, were neither free nor fair and fell well short of meeting international standards. The 2008 parliamentary elections also failed to meet international standards. Security forces reported to civilian authorities and to Lukashenka in particular.

The most significant human rights problems continued to be the inability of citizens to change their government; a system bereft of checks and balances in which authorities committed frequent, serious abuses; and the government's politically motivated imprisonments of hundreds of people during the year. Additionally, the government failed to account for past politically motivated disappearances.

Other human rights problems included abuses by security forces, which beat detainees and protesters, used excessive force to disperse peaceful demonstrators, and reportedly used torture and/or maltreatment during investigations and in prisons. Prison conditions remained extremely poor. Authorities arbitrarily arrested, detained, and imprisoned citizens for criticizing officials, for participating in demonstrations, and for other political reasons. The judiciary lacked independence, and suffered from inefficiency and political interference; trial outcomes often were predetermined, and many trials were conducted behind closed doors or in absentia. Authorities continued to infringe on citizens' privacy rights. The government further restricted civil liberties, including freedom of speech, press, assembly, association, religion, and movement. The government seized printed materials from civil society activists and prevented independent media from disseminating information and materials. The government continued to hinder or prevent the activities of some religious groups, at times fining them or restricting their services. Authorities harassed human rights groups, nongovernmental organizations (NGOs), and political parties, refusing to register many and then threatening them with criminal prosecution for operating without registration. Official corruption in all branches of government remained a problem. Violence and discrimination against women were problems, as was violence against children. Trafficking in persons remained a significant problem. There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language. Authorities harassed and at times dismissed members of independent unions, severely limiting the ability of workers to form and join independent trade unions and to organize and bargain collectively.

Authorities at all levels operated with impunity, and failed to take steps to prosecute or punish officials in the government or security forces who committed human rights abuses.

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

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

b. Disappearance.—The prosecutor general again extended the 11-year investigation into the 1999 disappearance of former interior minister and opposition leader Yury Zakharanka. There were no developments in the continuing investigations into the 2000 disappearance of journalist Zmitser Zavadski, and the 1999 disappearances of opposition activist Viktar Hanchar and businessman Anatol Krasouski. There was evidence of government involvement in these cases, but authorities continued to deny any connection with the disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, the Committee for State Security (KGB), riot police, and other security forces continued to beat detainees and demonstrators routinely. Security forces also reportedly used torture during investigations. During arrests police frequently beat individuals as well as persons detained for organizing or participating in demonstrations and other opposition activities. In June and July dozens of participants in nationwide "silent" demonstrations reported that unidentified plainclothesmen who were supposedly security or police officers brutally beat them either during their arrest or in minivans and buses without license plates, or while in detention. For example, on July 6 in Brest, police severely beat demonstrators; one person sustained a broken finger and fractured ribs.

On December 19, unidentified individuals believed to be from the KGB arrested three female Ukrainian activists protesting election fraud in Minsk. The activists reported that they were abducted, taken to a forest, forced to disrobe, doused with gasoline, and threatened with immolation. They were found by local residents at a remote village near the Ukrainian border, treated at a local hospital, and returned to Ukraine.

In December 2010 police used physical force and violence to break up crowds of peaceful demonstrators following presidential elections; many were beaten and more than 700 persons were detained, including seven opposition presidential candidates. Scores of demonstrators and a small number of police officers were injured. Before the polls closed, police stopped a group of protesters led by presidential candidate Uladzimir Nyaklyaeu and a van carrying a sound system for the demonstration. A group of unidentified men in black uniforms believed to be special forces tossed stun grenades at the group. They beat Nyaklyaeu in the attack and seized the sound equipment. Supporters took him to a hospital for treatment, but unidentified men later abducted him from his hospital bed and held at the KGB detention center. On January 26, Internal Affairs Minister Anatol Kulyashou claimed that police officers were not involved in attack and beating of Nyaklyaeu, his supporters, and foreign

journalists. On August 10, the Prosecutor General's Office notified Nyaklyaeu that the government would not open a criminal investigation into his beating.

Human rights advocates, opposition leaders, and activists released from detention facilities continued to report torture and other forms of physical and psychological abuse of suspects during criminal and administrative investigations. For example, shortly after his release from the KGB detention center on February 28, former presidential candidate Ales Mikhalevich claimed that, as a condition of his release, authorities forced him to sign a statement that he would assist the KGB. Mikhalevich said that unidentified officers wearing black masks dragged him from his cell, handcuffed him, twisted his arms, bent him to the floor, and forced him to remain in uncomfortable positions for long periods of time.

According to Mikhalevich, KGB guards undressed prisoners and searched their cells, while prisoners were forced to remain in a cold room and do physical exercises. Authorities deprived prisoners of sleep and placed them in unventilated cells in which the floors had been freshly painted with acetone-based paint. KGB officers threatened Mikhalevich with further physical abuse against him and his family if he complained about these conditions. Other political prisoners, including Uladzimir Kobets, Alyaksandr Atroschankau, and Andrei Sannikau, echoed Mikhalevich's description of detention center conditions. On April 4, the Prosecutor General's Office refused to launch a criminal investigation into Mikhalevich's claims of torture, stating that the claims were unfounded and constituted "false denunciations." On September 16, the Military Prosecutor's Office turned down Sannikau's request to investigate his claims of torture, citing a lack of evidence.

Authorities also targeted lower-profile opposition activists, who were charged and convicted of participating in mass disturbances during the December 2010 demonstration. They subjected the activists to violence, psychological pressure, and other forms of intimidation to force them into testifying against the opposition presidential candidates. The Belarusian Helsinki Committee (BHC), a local human rights group, documented a police practice of charging individuals as accomplices in certain crimes in order to induce them to implicate others, then dropping the charges and forcing them to serve as prosecution witnesses. Women detained in the December 2010 protests reported that authorities threatened them with rape while in custody. Many of those who were ultimately charged with criminal behavior were detained for the maximum 10 days without charge, permitting authorities to put pressure on them by denying them visits, receipt of medicines, and food from their families.

The hazing of new army recruits, including beatings and other forms of physical and psychological abuse, continued; however, the situation improved somewhat as the government increased its prosecution of offenders. On May 16, the Prosecutor General's Office stated that military leaders and prosecutors were taking "effective measures" to prevent deaths, injuries, and incidents of hazing in the army. Prosecutors claimed that in 2010 there were no reports of hazing deaths or assaults causing severe bodily harm. They reported that the number of incidents of assault and battery decreased 33 percent and injuries among servicemen decreased 21 percent between 2009 and 2010.

Prison and Detention Center Conditions.—Prison and detention center conditions remained poor and in many cases posed threats to life and health. There were shortages of food, medicine, warm clothing, and bedding and inadequate access to basic or emergency medical care and clean drinking water. Ventilation in cells and overall sanitation were poor, and authorities failed to provide conditions necessary for maintaining proper personal hygiene. Prisoners frequently complained of malnutrition and low-quality uniforms and bedding. Some former political prisoners reported psychological abuse and being forced to share a cell with violent criminals. The law permits family and friends to bring detainees food and hygiene products and to send them parcels by mail, but in many cases authorities did not adhere to the law.

Former prisoners reported that access to medical care was severely limited and frequently provided by under-qualified medical personnel and the results of medical check-ups were often fabricated. As a result of these conditions, tuberculosis, pneumonia, HIV/AIDS, and other communicable diseases were widespread in prisons. According to domestic human rights groups, the rate of tuberculosis infection in prisons was seven times the national average. The Ministry of Internal Affairs reported that, out of approximately 50,000 inmates nationwide, 1,170 suffered from active tuberculosis. The death rate from tuberculosis among inmates was 1.3 times the national average. According to NGOs, authorities continued their practice of isolating certain prisoners—particularly inmates with HIV/AIDS and foreign citizens. According to official data, at the end of 2010 there were 1,098 inmates with HIV/AIDS, accounting for 15 percent of the total number of persons with HIV/AIDS in the country.

In March members of the public monitoring commission under the Justice Ministry visited a prison in Vorsha and reported that the prison was 500 inmates above capacity. Commission official Tatsyana Krauchanka said that, despite the overcrowding, prison conditions were "not bad." She claimed that the commission visited different prisons once a quarter and paid special attention to inmates' complaints regarding their conditions, although in most cases such complaints were dismissed as illegitimate. She concluded that prisons were not "a resort" and generally conditions were "good."

At a press conference on April 20, Deputy Prosecutor General Alyaksei Stuk admitted that prisons and detention centers were overcrowded and conditions at times failed to meet legal norms. Stuk cited the failure to conform to space standards per inmate and a shortage of rooms for private visits as two examples. Officials also admitted that prison facilities were short of medical personnel, equipment, and medicines but claimed that all prisoners received sufficient medical care. He dismissed reports that the situation with tuberculosis was "alarming," although he admitted that rates of infection in certain prisons were higher than the nationwide average. In the Mahilyou region, local prosecutors reported in April that while 80 percent of prisons were overcrowded, prison administrations failed to provide adequate medical assistance to inmates only in isolated instances.

In August authorities reported that of the 50,000 inmates held nationwide, approximately 38,000 persons were in prisons and 7,380 were in pretrial detention facilities. Approximately 4,500 other persons were held in a form of internal exile known as "khimiya." Persons sentenced to khimiya were allowed to work outside of detention facilities but were required to return to prison barracks where they lived under strict conditions and supervision.

According to NGOs and former prisoners, authorities routinely abused prisoners. Former prisoners credibly reported that their complaints to higher authorities were often censored or not forwarded by prison officials, and that prison administrators either ignored or selectively considered requests for investigation of alleged abuses. Complaints could result in retaliation against prisoners who spoke out, including humiliation, death threats, or other forms of punishment. For example, in August a former prisoner at the Hlybokae high security prison stated that guards beat and abused inmates after prisoners complained about their conditions and sought a meeting with the prosecutor general. Two prisoners began a hunger strike. The Internal Affairs Ministry dismissed as false the reports of disturbances at Hlybokae prison. On October 20, the Vitsyebsk regional prosecutor reported that a probe into the beatings established that use of force against inmates was justified "to restore order" in jail after inmates put forward "illegitimate demands" and injured themselves.

Prisoners and detainees had limited access to visitors, and denial of meetings with families was a common punishment for disciplinary violations. Political prisoners were often denied meetings with families as a means of pressure and intimidation. For example, political prisoner and former presidential candidate Dzmitry Uss' scheduled three-day visit with his wife in September was unexpectedly shortened to one day.

Credible sources maintained that prison administrations turned other inmates against political prisoners for purposes of intimidation and to compel confessions. They also reported that authorities neither explained nor protected their legal rights and penalized inmates for any minor violation of the "internal regime." For example, on June 17, Mikita Likhavid, convicted of participating in postelection demonstrations, was placed in solitary confinement for the fourth time in 40 days. The harsh conditions in solitary confinement reportedly included denial of bedding, lack of time outdoors, and sleep deprivation. Authorities refused to provide warm clothing, despite the frequently low temperatures in the cells.

On September 16, independent media reported that the U.N. Committee on the Elimination of Discrimination against Women upheld a complaint by opposition activist Inha Abramava regarding conditions at a detention center in Brest. She filed an individual complaint in 2008 after local courts rejected her complaints regarding discriminatory conditions at the detention center that had only men on its staff. She claimed that she was subject to sexual harassment by guards who also attempted to incite violent inmates against her.

Although the law provides for freedom of religion, and there were no reports of egregious infringements, prisoners generally were prevented from holding religious services and performing rituals that did not comply with prison regulations. Zmitser Dashkevich, a Malady Front leader preemptively detained a day before the December 19, 2010 elections and later convicted on politically motivated charges, told his lawyer that prison administration officials forbade him to have the Bible and forced

him to speak Russian instead of Belarusian in response to commands from prison guards.

Corruption in prisons was a serious problem, and observers noted that the outcome of parole applications often depended on bribes to prison personnel.

While authorities claimed to conduct periodic investigations and monitoring of prison and detention center conditions, human rights groups asserted that such inspections—even if they did occur—lacked any credibility. There was no ombudsman who could serve on behalf of prisoners and detainees; human rights advocates who were not members of state-controlled bar associations had no access to prisoners and detainees, and could not provide them with legal counsel.

Authorities did not permit independent monitoring of penal institutions. Despite numerous requests to the Ministries of Internal Affairs and Justice, government officials continued to refuse to meet with human rights advocates or approve requests to visit detention facilities. There were no reports during the year of independent monitoring of prison conditions by domestic or international human rights groups, independent media, or the International Committee of the Red Cross.

d. Arbitrary Arrest or Detention.—The law limits arbitrary detention; however, the government did not respect these limits in practice. Authorities continued to arrest individuals for political reasons and to use administrative measures to detain political activists before, during, and after protests.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs exercises authority over the police, but the KGB, the financial investigations department under the State Control Committee, and the presidential security services also exercise police functions. The president also has the authority to subordinate all security bodies to his personal command. Impunity among law enforcement personnel remained a serious problem. Individuals have the right to report police abuse to a prosecutor; however, the government often did not investigate reported abuses or hold perpetrators accountable.

Arrest Procedures and Treatment While in Detention.—By law police must request permission from a prosecutor to detain a person in excess of three hours; in practice these procedures were usually ignored, and police routinely detained and arrested individuals without warrants. Authorities may hold a criminal suspect for up to 10 days without filing formal charges and for up to 18 months after filing charges. Under the law prosecutors, investigators, and security service agencies have the authority to extend detention without consulting a judge. Detainees have the right to petition the legality of their detention, but in practice appeals by suspects for a court review of their detention frequently were suppressed or ignored.

Arbitrary Arrest.—During the year authorities routinely detained or arrested hundreds of individuals, including opposition figures, members of the independent media, social media activists, and civil society activists, for reasons widely considered to be politically motivated.

For example, during the June-September "silent" demonstrations organized via Internet, police detained more than 2,000 persons for participating in an unsanctioned demonstration and sentenced them to large fines or up to 15 days of administrative detention. People were arrested for little more than walking or clapping their hands.

On October 6, police arbitrarily detained prominent sociologist and independent pollster Aleh Manayeu for three hours to impede his presentation of polling results to the Minsk diplomatic corps. At a press conference on October 7, Lukashenka stated that police apprehended Manayeu over alleged possession of drugs; however, he subsequently was released without charge.

On October 8, opposition and trade union leaders staged rallies called "people's assemblies" across the country to protest the government's ineffective economic policies. Prior to the event police detained and warned a number of activists against participating in unsanctioned rallies. On October 13, police detained Viktar Ivashkevich, the main organizer of the assemblies. Following a seven-hour hearing, a Minsk district court fined him 1.4 million rubles ($169) for violating mass events regulations.

Pretrial Detention.—Authorities may hold a criminal suspect for up to 10 days without filing formal charges. Prior to being charged, the law provides detainees with no access to their families or to food and medical supplies from outside the detention facility. In an effort to maximize pressure on such detainees, police routinely held persons for the full 10-day period before charging them.

Police often detained individuals for several hours, ostensibly to confirm their identity, and then released them without charges. Police and security forces frequently used this tactic to detain members of the opposition and demonstrators, to

prevent the distribution of leaflets and newspapers, or as a pretext to break up civil society meetings and events.

Following the December 2010 demonstrations, authorities detained a number of leading supporters of opposition parties, including seven presidential candidates. Five candidates subsequently were charged with and convicted of "organizing and leading mass disturbances" or other charges. Authorities delayed pressing charges for the maximum legal period of 10 days. A number initially were denied access to their lawyers on the pretext that no rooms were available for such consultations.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, Lukashenka and his government did not respect judicial independence in practice. Corruption, inefficiency, and political interference with judicial decisions were widespread. Prosecutors and courts convicted individuals on false and politically motivated charges, and senior leaders and local authorities dictated the outcomes of trials.

According to the latest available report by a U.N. special rapporteur, prosecutors wield "excessive and imbalanced" authority because they may extend detention without the permission of judges. The 2006 report also noted an imbalance of power between the prosecution and the defense. Defense lawyers were unable to examine investigation files, be present during investigations and interrogations, or examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to challenge some evidence because technical expertise was under the control of the Prosecutor's Office. According to many defense attorneys, these imbalances of power persisted throughout the year, especially in politically motivated criminal and administrative cases. In very few cases during the year were criminal defendants exonerated.

By presidential decree bar associations are independent; however, in practice they remained subordinate to the Ministry of Justice. Lawyers must be licensed by the ministry, are required to work in regional bar associations, and must renew their licenses every five years. The law prohibits attorneys from engaging in private practice, although private legal companies are allowed to provide legal assistance and advice to private companies and represent their clients in economic courts.

During the year authorities revoked the licenses of at least nine attorneys who represented prominent opposition leaders, civil society activists, and independent journalists arrested on or after December 19, 2010, for activities related to the defense of their clients. In a notice posted on its Web site in January, the Justice Ministry charged that "certain lawyers" who were defending individuals facing criminal charges, including the presidential candidates, were committing "gross violations" of the rules of professional ethics for lawyers as well as of the country's laws. The ministry accused the lawyers of distorting information about the investigations of their clients, their state of health, and their conditions of detention. Subsequently, the ministry announced that all licensed lawyers, excluding junior staff, had to pass extraordinary performance reviews to renew their licenses. As a result of this review, attorneys defending key presidential candidates and activists were disbarred. On January 4, a lawyer in Hrodna lost her license for participating in postelection demonstrations. The BHC reported that additional lawyers engaged to defend arrested activists were suspended for indefinite periods. On October 22, authorities removed Alyaksandr Pylchanka, the head of the Minsk city bar association, who openly spoke against debarring lawyers and said that the situation threatened the independence of the bar.

Trial Procedures.—The law provides for the presumption of innocence. However, because of the lack of judicial independence and government use of official media to report on trials, and also due to practices that limit a defendant's right to self-defense in court, the burden of proof was in practice frequently on defendants.

The law also provides for public trials; however, trials occasionally were closed and frequently were held in judges' offices, where attendance was severely limited. Judges adjudicate all trials; there is no system of trial by jury. For the most serious cases, in a throwback to the Soviet past, two civilian advisers assist a judge.

Government-controlled media frequently conducted propaganda campaigns declaring the guilt of suspects prior to trial and revealing alleged materials from ongoing investigations designed to demonstrate further the "guilt" of persons awaiting trial. For example, in January following the postelection demonstrations in December 2010, state television broadcast a documentary called The Square: When Metal Hits Glass, which purported to demonstrate that leading members of the opposition had plotted a violent coup with help from abroad. The documentary also claimed that Uladzimir Nyaklyaeu was attacked by rivals within the opposition, rather than by security forces. On January 14, the government-run newspaper Sovietskaya Bielorussiya published an article purporting to reveal documents demonstrating

that leaders of the opposition were plotting to overthrow the government with support from abroad.

The law provides defendants the right to attend proceedings, to confront witnesses, and to present evidence on their own behalf; however, in practice authorities did not always respect these rights. During the year numerous opposition politicians and NGO leaders were tried and convicted without being permitted to be present at their trials. For example, a Minsk district court notified a Mahilyou-based opposition activist on January 13 that she had been fined 1.05 million rubles ($127) in absentia for her participation in the December 2010 postelection demonstrations. On September 7, a court in Horki sentenced Malady Front activist Ivan Shyla in absentia to 20 days' imprisonment for demonstrating in front of a prison on August 2 in support of his detained associate, Zmitser Dashkevich.

The law provides for access to legal counsel for detainees and requires that courts appoint a lawyer for those who cannot afford one; however, at times some detainees were denied access to a lawyer and at other times, to a Belarusian-language interpreter if they requested hearings in that language. Most judges and prosecutors were not fluent in Belarusian and rejected motions for interpreters. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits NGO members who are lawyers by training from representing individuals other than members of their organizations in court. The government's disbarment of at least nine attorneys who represented political opponents of the regime limited defendants' choice of counsel in high-profile political cases.

Those charged in connection with the December 2010 demonstrations had very limited access to lawyers, and authorities did not allow any of the detainees to meet in private with their lawyers at holding facilities. Some lawyers openly stated that authorities obstructed their seeing clients. For example, attorney Tamara Sidarenka, who represented presidential candidate Uladzimir Nyaklyaeu, was allowed only two visits with her client over the course of 50 days. She reported that lawyers were required to wait in line outside of the KGB detention center and often were sent away after being told that no meetings rooms were available.

Courts often allowed information obtained by use of force and threats of bodily harm during interrogations to be used against defendants.

Defendants have the right to appeal court decisions, and most defendants did so. However, appeals courts upheld the verdicts of the lower ones in the vast majority of cases, including in all criminal cases in connection with postelection demonstrations.

Between March and May, more than 50 opposition leaders, including six 2010 presidential candidates, their aides and campaign staffers, activists, and independent journalists were put on trial or faced charges for allegedly organizing, leading, or participating in "mass disturbances," or in activities that "violated public order." Independent observers and human rights advocates concluded that prosecutors failed to present any credible evidence of criminal acts by the defendants, and guilty verdicts in these politically motivated trials were largely based on fabricated testimony by prosecution witnesses. Local and international human rights groups alleged that authorities orchestrated a "storming" of the main government building as a pretext for a broader crackdown on civil society, political opposition, and independent media. The prosecution's witnesses for all trials were approximately 30 police officers who purportedly were injured during the demonstrations, although observers noted numerous discrepancies in the medical records presented by the officers in court. Independent trial observers reported that witnesses gave scripted (and nearly identical) testimony at the various trials but often failed to appear in court for subsequent hearings, citing illness or vacation. Videos shown in court were edited extensively.

The prosecution overtly pressured low-profile defendants to testify against presidential candidates and accuse the candidates of having planned and led the riots. During the trials several defendants recanted incriminatory statements they previously had made under physical duress or threat of torture during police investigations. One defendant claimed at trial that investigators promised him the investigation against him would be dropped and he would be released if he was willing to testify that the presidential candidates had paid him to take part in the demonstrations. When he refused, police brought criminal charges of participating in mass disturbances against him.

One of the leading opposition presidential candidates on trial, Andrei Sannikau, stated that KGB head Vadzim Zaytsau blackmailed him by threatening the lives of his wife and four-year-old son and that investigators coerced him to sign scripted statements. At a trial of candidate Uladzimir Nyaklyaeu, prosecutors played telephone conversations between presidential candidates and their aides that were taped during the presidential campaign, months before the demonstrations and

criminal investigations against the activists. A deputy general prosecutor reportedly sanctioned the wiretapping, and judges disregarded defense lawyers' motion to hear the taped materials, including private conversations, behind closed doors.

Political Prisoners and Detainees.—During the year authorities filed criminal charges against persons from the political opposition, human rights and civil society groups, and independent media organizations in connection with the large-scale demonstration in Minsk on the night of December 19, 2010. Following trials that failed to conform to international standards, most of these political prisoners were convicted of the crimes of organizing or actively participating in "mass disturbances" or "activities that severely violated public order." In many of the cases the authorities did not allow prisoners to meet with lawyers, family members, embassies, or prison monitoring groups.

During the year there were 53 political prisoners in Belarus. Of these, 46 were convicted and sentenced to imprisonment, partial house arrests, large fines, or khimiya. Some were given suspended sentences. Charges against six were dropped, and one presidential candidate against whom charges were not dropped fled abroad. Later, 25 of those convicted were pardoned; many of them faced pressure by authorities to sign petitions to be pardoned, while some were simply released. At year's end eight political prisoners remained in jail, including two presidential candidates, Mikalai Statkevich and Andrei Sannikau. Many of those in jail reportedly faced maltreatment and severe pressure.

All politically motivated trials ended during the year. During April and May, 46 activists, including five presidential candidates, were convicted, while authorities dropped criminal charges against six more activists, including one presidential candidate. Candidate Ales Mikhalevich fled the country. Of those convicted, candidate Mikalai Statkevich received the longest jail term of six years in high security facilities, and two candidates Uladzimir Nyaklyaeu and Vital Rymasheuski along with six other activists received suspended sentences of up to two years.

Candidate Andrei Sannikau was sentenced to five years in jail, and candidate Dzmitry Uss to five and a half years. Rymasheuski's aide Paval Sevyarynets received a sentence of three years of internal exile. Most other activists received up to four years in a high security jail. Sannikau, Statkevich, Dzmitry Bandarenka (Sannikau's aide), and Sevyarynets continued to serve their sentences at year's end. Lukashenka pardoned other political prisoners in August-October except those who received suspended sentences. Prisoners were often pressured to appeal for pardon.

Authorities also convicted Malady Front leader Zmitser Dashkevich and Malady Front activist Eduard Lobau, two opposition youth activists preemptively detained on December 18, 2010, on politically motivated charges of "severe hooliganism." Human rights groups believed the sentences were directly related to the December 19, 2010, postelection demonstrations and crackdown. Dashkevich was sentenced to two years and Lobau to four. Both remained in jail at year's end.

On May 27, a court convicted five members of an anarchist group for a series of Molotov cocktail attacks on various facilities in Minsk, including the Russian embassy compound, the Defense Ministry, the offices of state-controlled trade unions, a detention center, and a bank. In a similar case in Babruisk on May 18, a court sentenced three anarchists who partially admitted their guilt to seven years in prison for attacking a local KGB office with Molotov cocktails. During court hearings the defendants stated that they were interrogated without their lawyers present and coerced into confessions after being threatened with lengthy imprisonment and harsher detention conditions. Authorities used the investigation as a pretext to detain and interrogate a range of individuals, and they reportedly threatened many of these persons and their family members with physical abuse in order to compel their testimony against the defendants. In court several witnesses claimed the KGB forced them to testify against the activists, and some witnesses recanted their earlier statements. One witness stated that investigators beat him after his arrest and that he spent nine days in custody. Leading local human rights groups, including Vyasna and the BHC, recognized three anarchist activists sentenced to eight, four and a half, and three years in jail as prisoners of conscience.

On August 4, police arrested Ales Byalyatski, chairman of Vyasna, one of the country's leading human rights organizations, and charged him with "large-scale concealment of income and tax evasion." Byalyatski used bank accounts in Lithuania and Poland to channel NGO assistance funds to support his organization's efforts and assist persons arrested and convicted during the postelection crackdown. Authorities considered this money "income" because his NGO was prohibited by the government from being legally registered. The KGB and financial police searched Byalyatski's apartment and summer cottage as well as the office housing Vyasna. Authorities also charged Byalyatski's deputy, Valyantsin Stephanovich, with tax evasion under the civil code. On December 16, a court in Minsk upheld the district

tax office's suit against Stephanovich and ordered him to pay a total of approximately 54.4 million rubles ($6,570) in overdue taxes and penalties.

During the year Vaukavysk entrepreneur and anticorruption activist Mikalai Autukhovich remained in prison, having been convicted of illegal weapons' possession in 2010. Amnesty International and other human rights groups recognized Autukhovich as a political prisoner.

Civil Judicial Procedures and Remedies.—The law provides that individuals can file lawsuits seeking damages for, or cessation of, a human rights violation; however, the civil judiciary was not independent and was rarely impartial in such matters.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the government did not respect these prohibitions. Authorities used wiretapping, video surveillance, and a network of informers to deprive persons of privacy to express dissenting political views.

By law persons who obstruct law enforcement personnel in the performance of their duties can be penalized or charged with an administrative offense even if the "duties" may be perceived as illegal. "Obstruction" could include any effort to prevent KGB or law enforcement officers from entering the premises of a company, establishment, or organization; refusing to allow KGB audits; or denying or restricting KGB access to information systems and databases.

The law requires a warrant before, or immediately after, conducting a search; however, the KGB and riot police entered homes, conducted searches, and read mail without warrants. The KGB has the authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups and monitored the actions of individuals. In numerous instances authorities searched residences and offices for apparent political reasons.

Following the December 2010 postelection protest, authorities raided the offices and homes of hundreds of opposition leaders, democratic activists, independent journalists, and civil society organizations across the country during two months or more. In most instances police seized electronic equipment and paper files. For example, on January 5, the KGB raided the offices of the BHC and seized computers and servers. KGB officers also searched the residence of BHC Director Aleh Hulak. On January 14, on the basis of allegations that the office was used during Sannikau's presidential campaign, police raided the Minsk-based offices of the independent Trade Union of Electronic Industry Workers for more than five hours and seized computers. On January 19, police raided the offices of the Center for Human Rights and seized three computers; the KGB concurrently searched the apartment of the center's chairwoman, Raisa Mikhailouskaya.

Security forces continued to target prominent opposition and civil society leaders with arbitrary searches and interrogations at border crossings and airports. For example, on July 2, Stanislau Shushkevich, leader of the Hramada Social Democratic Party and former head of state, and a group of 12 students from the Vilnius-based European Humanities University, were taken off a train and detained for more than six hours at the Lithuanian border. Border guards detained the students on suspicion of drug smuggling, photographed them, and warned against participating in unsanctioned protests. Border guards did not give Shushkevich any explanation for his detention. All were released without charge.

The law prohibits authorities from intercepting telephone and other communications without a prosecutor's order. In practice authorities routinely monitored residences, telephones, and computers. Nearly all opposition political figures and many prominent members of civil society groups reported that authorities monitored their conversations and activities.

The law allows the KGB, Ministry of Internal Affairs, special security services, financial intelligence personnel, and certain border guard detachments to use wiretaps. Wiretaps require the permission of a prosecutor; however, the lack of prosecutorial independence rendered this requirement meaningless.

The Ministry of Communications has the authority to terminate the telephone service of persons who violate their telephone contracts, and such contracts prohibit the use of telephone services for purposes contrary to state interests and public order.

There were numerous reports that the government employed a number of means to coerce young persons, including university students and military conscripts, to join the state-funded Belarusian Republican Youth Union (BRYU) with a reported membership of 500,000 persons. To this end the government reportedly employed a widespread system of BRYU civilian patrol squads whose objective was to recruit

youths and students for various projects around the country in the name of good citizenship.

During the year authorities continued to harass family members of NGO leaders and civil society and opposition activists, including political prisoners. For example, on January 13, KGB officers prevented Milana Mikhalevich, spouse of political prisoner and presidential candidate Ales Mikhalevich, from going to Poland for hearings on Belarus. They first detained her by conducting a lengthy search of her residence and later stopped her vehicle on the way to Warsaw with the warning that she was banned from traveling out of the country and would be turned away at the border.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, the government did not respect these rights in practice and enforced numerous laws to control and censor the public and the media. Moreover, the all-dominant state press almost exclusively propagated views in support of Lukashenka.

Freedom of Speech.—Individuals could not criticize the government publicly or discuss matters of general public interest without fear of reprisal. Authorities videotaped political meetings, conducted frequent identity checks, and used other forms of intimidation. Wearing masks, displaying unregistered flags and symbols, and displaying placards bearing messages deemed threatening to the government or public order are also prohibited.

The law also limits free speech by criminalizing actions such as giving information to a foreigner about the political, economic, social, military, or international situation of the country that authorities deem to be false or derogatory.

Freedom of Press.—The government restricted press freedom and censored the media. Authorities warned, fined, detained, interrogated, or jailed members of the media and harassed bloggers who publicly criticized the government. Under the law the government may close a publication after two warnings in one year for violating a range of restrictions on speech and the press. In addition regulations give authorities arbitrary power to prohibit or censor reporting. The Information Ministry can suspend periodicals or newspapers for three months without a court ruling. The law also prohibits the media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs.

The Information Ministry continued to deny registration to many independent media outlets, i.e., privately owned media perceived to be publishing information independently of government control. In spite of the lack of registration, independent media, including newspapers, magazines, and Internet news Web sites, sought to provide objective and independent coverage of events. However, they operated under repressive media laws, and most faced discriminatory publishing and distribution policies.

State-owned media, which was extremely biased and served as a propaganda arm of the regime, dominated the information field and maintained the highest circulation through generous subsidies and preferences. There is no country-wide private television. The state-owned postal system, Belposhta, and the state-owned kiosk system, Belsayuzdruk, continued to refuse to deliver or sell at least 10 independent newspapers that covered politics.

Although authorities continued to allow the circulation of Narodnaya Volya and Nasha Niva, two national independent newspapers, through state distribution systems, they remained subject to restrictions and financial penalties. For example, in January Belsayuzdruk refused to increase the number of Nasha Niva copies available for sale despite high demand for the newspaper. On July 29, the Minsk city economic court fined Nasha Niva 14 million rubles ($1,690) for receiving two warnings during the year. On August 8, the Supreme Economic Court fined the Narodnaya Volya the same amount on similar charges.

International media continued to operate in the country but not without interference and prior censorship. Euronews and the Russian channels First Channel, NTV, and RTR were generally available, although only through paid cable services in many parts of the country. At times authorities blocked, censored, or replaced their news programs with local programming. Broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country, usually along the border.

On May 27, Lukashenka criticized Russian media for helping provoke an "artificial" economic crisis. On June 13, presidential Chief of Staff Uladzimir Makei dismissed what he called speculation about a ban on Russian media in the country as "complete nonsense." Conversely, Makei charged that Russian authorities disregarded "flagrant violations of Belarusian laws and journalistic code of ethics by a number of Russian media outlets."

Violence and Harassment.—Authorities continued to routinely harass, arrest, and assault journalists.

Security forces arrested seven members of the Belarusian Association of Journalists (BAJ), who later were convicted of "participating in mass disturbances" or organizing activities that "violated public order" as a result of their work on presidential campaigns. These included Sannikau spokesman Alyaksandr Atroshchankau, sentenced to four years in jail in March and pardoned in September; Sannikau aide Zmitser Bandarenka, sentenced to two years in jail; Nyaklyaeu aides Alyaksandr Fyaduta and Syarhei Vaznyak, both given two-year suspended sentences; Rymasheuski aide Paval Sevyarynets, sentenced to three years of internal exile; independent journalist and Sannikau's wife Iryna Khalip, given a two-year suspended sentence; and editor of the Charter97 Internet portal Natallya Radzina, who was charged, released from pretrial holding facilities on her own recognizance, and fled the country in March. Authorities dropped charges against Radzina in August.

On December 19, 2010, police detained at least 15 local journalists, all members of the BAJ, and at least five foreign correspondents. Mariya Antonova of Agence France Presse was detained overnight. Twenty-two other local and foreign journalists reported being the victims of physical violence during the police crackdown. These included Michael Schwirtz and James Hill of the New York Times, Anton Kharchenko and Victor Filyaev of television channel Russia Today, and Hanz Cezarek, a photojournalist for the Austrian Internet-based news service news.at. At least 11 local independent journalists were jailed for up to 15 days for participating in an unsanctioned demonstration.

In the weeks following the December 2010 crackdown, authorities raided offices of media organizations, including the Minsk office of Poland-based European Radio for Belarus (ERB), the Minsk office of Poland-based Belsat TV, and Nasha Niva. Security forces also raided the residences of at least 12 journalists in search of videos, photographs, or printed materials related to postelection demonstrations. During their search of the ERB offices, police removed all employees from the premises and then seized more than 50 pieces of office and studio equipment, leaving little but tables and chairs behind. In anticipation of the raid, Belsat staff had vacated their premises several days earlier. Between December 19, 2010, and late February, police seized at least 114 pieces of office and studio equipment from media outlets and independent journalists around the country.

On January 26, Internal Affairs Minister Anatol Kulyashou claimed that police raided the homes and offices of journalists in a manner consistent with the law and had not used violence against reporters during the postelection crackdown. He also claimed that a journalist had assaulted a police officer with a video camera.

Security forces continually hampered efforts of independent journalists to cover "silent" and other protests in Minsk. During the year more than 80 independent journalists were detained for their coverage of "silent" protests across the country. Thirty journalists petitioned the Office of the Prosecutor General to probe the arrests of their colleagues during the "silent" protests. In response, the prosecutor general sent a letter to the interior minister urging him to have police comply with the media law, which allows journalists to attend and report on public demonstrations. The letter also noted that police were entitled to temporarily limit or ban access of individuals, including journalists, to some places and even have them leave such places for personal and public security reasons. The BAJ welcomed the prosecutor general's statement in July that police officers should be punished if they impeded journalists covering protests; however, according to press reports no sanctions against police followed.

Routine harassment of journalists was also common. For example, on March 25, police detained BelaPAN news agency correspondent Uladzimir Laptsevich and BAJ member Dzmitry Salauyou at a Freedom Day demonstration. Three days later, a court in Mahilyou convicted the two of using obscenities and resisting police orders. Laptsevich was sentenced to seven days in jail, and Salauyou received five days. Authorities refused Laptsevich's request for trial proceedings to be conducted in Belarusian or for an interpreter to be present.

On June 15, Hrodna-based journalist Ihar Bantsar was jailed for five days on charges of minor hooliganism. Police arrested Bantsar just outside his home on June 14 to prevent him from attending his associate Andrzej Paczobut's court hearing.

Authorities also harassed and obstructed the work of foreign journalists. Following the crackdown on civil society, political opposition, and independent media in the wake of the December 2010 postelection demonstrations, a number of journalists reporting for international media were detained, interrogated, searched, and threatened with prosecution for their coverage of political events and ongoing criminal investigations. For example, on February 16, authorities questioned Belsat correspondent Tatsyana Bublikava about her cooperation with foreign media. On Feb-

ruary 28, the prosecutor general issued her a warning that she could face liability for working without accreditation.

On March 28, the Foreign Ministry recalled the newly issued accreditation of Russian journalist Aleksandr Lashmankin, editor in chief of the Samara-based Svoboda news agency. Authorities detained him upon arrival in Vorsha on March 24, and jailed him for three days on charges of disorderly conduct. On May 30, police arrested Russian "Dozhd" television channel correspondent Rodion Marinichev after he interviewed political prisoner Iryna Khalip. Officers confiscated his materials, deported him, and banned him from the country for five years.

On June 27, two BBC journalists were notified by the Belarusian embassy in London that their visas were cancelled and they could not travel to Belarus despite being accredited by the Foreign Ministry. Citing a right not to give an explanation for cancellation, embassy officials advised the journalists against applying for visas "in the near future."

Censorship or Content Restrictions.—The vast majority of publications were forced to exercise self-censorship. The government tightly controlled the content of domestic broadcast media. Local independent television stations operated in some areas and reported local news; however, most were under government pressure to forgo reporting on national issues or risk censorship. Authorities frequently pressured such stations into sharing materials and cooperating with authorities to intimidate local opposition and human rights groups that met with foreign diplomats.

In 2009 Lukashenka again stated that control of radio and television stations was a high priority for the government and that private stations would not be allowed to operate in the country. He dismissed concerns about closing Russian channels. Following the December 2010 postelection demonstrations, Lukashenka threatened journalists, saying they would be held "fully responsible for every word."

In June Minsk authorities discontinued broadcasting Russian popular entertainment channel TNT known for satirical and critical jokes about Lukashenka.

Only the state-run radio and the state-run television networks were allowed to broadcast nationwide. The government continued to use its monopoly of television and radio broadcasting to disseminate its version of events and minimize all opposing viewpoints. State television apparently coordinated its propaganda documentaries with the country's security services, as evidenced by the use of surveillance footage and wiretaps transcripts in broadcasts. Authorities banned state media and radio from citing works and broadcasting music by independent local and well-known foreign musicians, artists, writers, and painters who were named on an alleged "black list."

Local authorities frequently warned independent editors and journalists to avoid reporting on certain topics and not to criticize the government. Authorities harassed bloggers for the same reasons. Authorities also warned businesses not to advertise in newspapers that criticized the government. As a result independent media outlets operated under severe budgetary constraints. During the year the Ivatsevichy-based independent newspaper Gazeta Dlia Vas was forced to close due to reduced advertising.

Journalists reporting for international media that gave extensive coverage to the country, such as the Warsaw-based independent satellite channel Belsat TV and the Polish radio station Radio Racyja, continued to receive warnings from the Prosecutor's Office for working without accreditation. After enactment of the new media law, authorities sent warnings to at least 24 independent journalists.

Libel Laws/National Security.—Libel is a criminal offense. There are large fines and prison sentences of up to four years for defaming or insulting the president. Penalties for defamation of character make no distinction between private and public persons. A public figure who is criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report.

For example, in April police arrested Andrzej Paczobut on charges of slandering and insulting the president. On July 5, a court in Hrodna convicted him of slander in a closed-door proceeding and sentenced him to a three-year suspended sentence, with two years of probation. He was acquitted of the charge of insult. Paczobut also was prohibited from leaving the country. On September 20, a higher court rejected his appeal.

In June Lida-based blogger Yauhen Kutsko was fined 700,000 rubles ($85) after a court convicted him of slandering the then chairman of the Lida regional government. Following the publication of the offending article on his blog at the end of 2010, Kutsko was dismissed from his job and remained unemployed at year's end.

Authorities also frequently cited national security as grounds for censorship of media. On January 12, authorities closed popular independent radio station Autoradio, claiming that it broadcast "public calls for extremist activities" by broad-

casting legal campaign advertisements for presidential candidate Sannikau. Autoradio's multiple legal appeals to resume broadcasting were denied.

After an explosion at a Minsk subway station on April 11, authorities issued at least nine warnings to independent journalists and media outlets for disseminating "unfounded information regarding the tragic event at the subway" and "speculations that discredit the Belarusian state and public." Nasha Niva and Narodnaya Volya were among the warned outlets, and KGB officers interrogated Nasha Niva editor in chief Andrei Skurko on April 18 and forced the newspaper to remove a video of the explosion site from the newspaper's Web site.

Publishing Restrictions.—The government took numerous actions during the year to limit the independent press, including limiting access to newsprint and raising the cost of printing presses. Several independent newspapers, including Vitsyebski Kuryer and Tavarysch, printed materials in Russia because domestic printing presses (almost all of which were state-owned) refused to print them. Tavarysch subsequently was forced to suspend publication due to financial constraints. Both newspapers remained out of circulation in the country at year's end. Other independent newspapers, such as Salidarnasc, BDG, and Bobruysky Kuryer, disseminated Internet-only versions due to printing and distribution restrictions.

Conversely, authorities provided robust support for government-controlled media. On August 26, authorities pledged that 25 state-owned publications would receive more than 400 billion rubles ($48 million) in subsidies to cover printing costs, the purchase of paper, and salaries for staff. On August 23, Information Minister Aleh Pralyaskouski said that state newspapers were more popular "than so-called opposition publications and numbers of their subscribers could not even be compared."

During the year the government confiscated numerous independent and opposition newspapers and seized leaflets and other materials deemed to have been printed illegally. For example, on March 21, police briefly detained distributors of the independent newspaper Novy Chas in central Minsk and in Slutsk, confiscating more than 200 copies of the newspaper.

Internet Freedom.—The government continued to restrict access to the Internet and actively monitored e-mail and Internet chat rooms. While individuals and groups were generally able to engage in the peaceful expression of views via the Internet, including by e-mail, all who did so risked legal and personal repercussions. Opposition activists faced the likelihood that their e-mails and other Web-based communications would be monitored.

The authorities monitored Internet traffic. By law the telecommunications monopoly, Beltelekam, and other organizations authorized by the government have the exclusive right to maintain Internet domains.

In July 2010 Lukashenka issued an edict that requires registration of service providers and Internet Web sites, establishes restrictions on access to sites containing "extremist activity" (which many activists believed could be interpreted to include government opponents), and requires the collection of information on users at Internet cafes. It requires service providers to store data on the Internet use of individuals for a year and to provide that information to law enforcement agencies upon their request.

The edict restricts access to Web sites whose content includes "extremist activities"; materials related to illicit weapons, explosives, and drugs; trafficking in persons; pornography; and promotion of violence. It requires service providers to eliminate access to these subject areas from government offices, educational facilities, and cultural institutions if ordered to do so by the KGB, prosecutor general, the presidential administration's Operation and Analytical Center, and other state agencies. According to credible sources, the list, which was not released publicly, contained approximately 60 Web sites, including opposition portals Charter97 and Belarusian Partisan. Internet service providers are required to update the list on a daily basis. Decisions to restrict access to Internet sources may be appealed to the courts. In addition to restrictive actions, authorities made frequent statements during the year on the need for further control of the Internet.

On June 17, Lukashenka attempted to justify limitations on Internet access nationwide, stating he was "fine with the Internet" but claiming that he had to "get engaged [in Internet monitoring] to protect our stability, security, and the country." On August 29, he ordered the government to restrict students' access to "destructive" Web sites, including social networking portals, at educational institutions. The day after the December 2010 demonstrations, Lukashenka pledged to "reform the Internet," which he asserted was used to "mock authorities and the people."

State companies and organizations, which included the workplaces of 80 percent of the country's workers, reportedly had Internet filters. On occasion government providers blocked independent and opposition Web sites during major political

events. In response to the government's interference and Internet restrictions, many opposition groups and independent newspapers switched to Internet domains operating outside the country. The few remaining independent media sites with domestic "BY" (Belarus) domains practiced self-censorship.

On several occasions during the year, cyberattacks of unknown origin led to the temporary disabling of independent news portals and social networking sites, including the following: Web sites of Charter97, independent news agency BelaPAN, Radio Liberty, Belarusian Partisan, Vyasna, Belarusian Christian Democracy, electroname.com, citizenby.org, Salidarnasc, Twitter, Facebook, and LiveJournal. In June an Internet-organized group known as "Revolution through Social Networks" created a page on the popular Russian social networking Web site "Vkontakte.ru," which called for "silent" demonstrations to take place in public spaces around the country. As these protests gained attention and broader public support, Internet users reported being unable to access Vkontakte.ru for several hours before the "silent" protests were to take place. There were also reports of users being redirected to fake mirror Web sites that attempted to collect users' full names and other personal information.

The government continued to collect and obtain personally identifiable information on independent journalists and democratic activists. For example, during raids in January and February, investigators hacked personal passwords to access e-mails, Skype records, and other materials, to read decoded files, and to retrieve deleted information on the computers confiscated from independent journalists and postelection demonstration participants and activists. Also, some family members of political prisoners reported that their accounts were hacked.

Academic Freedom and Cultural Events.—The government restricted academic freedom and cultural events. Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and of Belarus under the leadership of Lukashenka. Use of the word "academic" was restricted; NGOs were prohibited from including the word "academy" in their titles. Opportunities to receive a higher education in the Belarusian language in the majority of fields of study were scarce. Administrations of higher educational institutions made no effort to accommodate students wishing to study in Belarusian-language classes.

In 2009 Deputy Education Minister Tatsyana Kavalyova stated that ideology remained "the backbone" of education in the country and gave "special flavor to the educational environment." She also noted that every educational institution maintained an ideology department. In March the presidential administration first deputy, Alyaksandr Radzkou, stated that ideology played a crucial role in shaping an individual.

During the year authorities harassed, intimidated, and dismissed teachers on political grounds. For example, on April 25, the Minsk regional court upheld a lower court's decision to reject former history teacher Natallya Illinich's appeal of her dismissal from a school in Talka. On January 5, KGB and police searched Illinich's house and seized computer equipment and printed materials. She served as a presidential election observer and collected signatures in support of opposition candidates. The school principal dismissed her on January 27, disregarding a petition on her behalf signed by students and parents.

On June 2, administrators of an art school in Mahilyou fired music teacher Katsyaryna Kastusyova, daughter of presidential candidate Ryhor Kastusyou and a member of his campaign team. Officials claimed that her dismissal was performance-related and not politically motivated.

Government-mandated textbooks contained a heavily propagandized version of history and other subjects. All schools, including private institutions, were obligated to follow state directives to inculcate the official ideology and could not be led by opposition members. The education minister has the right to appoint and dismiss the heads of private educational institutions.

The BRYU urged university students to join the BRYU in order to receive benefits and dormitory rooms. Local authorities also pressured BRYU members to campaign on behalf of government candidates. In addition authorities at times pressured students to act as informants for the country's security services.

High school students feared that they would not be allowed to enroll in universities without BRYU membership, and university students reported that proof of BRYU membership was often required to register for popular courses or to receive a dormitory room. Universities also offered BRYU members discounts on tuition. In 2008 former education minister Alyaksandr Radzkou stated that membership in the BRYU would be considered in new mandatory recommendations for students who wished to train for professions in foreign affairs, state administration, and journalism.

According to an Education Ministry directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and must ensure the proper ideological education of students. In January authorities claimed that they would not expel students who took part in the December 2010 postelection demonstration in Minsk. The Belarus Sate University administration stated it would review written explanations submitted by students who were arrested and served short sentences before taking further action. In December 2010 Viktar Iuchankau, spokesman for the Education Ministry, asserted that students were not expelled from universities for political reasons. However, during the year at least 45 students were expelled for political reasons, compared with three or more in 2009. Some school officials continued to cite poor academic performance or absence from classes as the official reason for the expulsions.

The government continued to ban teachers and democratic activists from promoting the wider use of the Belarusian language and the preservation of its culture. For example, citing "inexpediency," authorities in June discontinued studies in the Belarusian language at a junior high school in the town of Byaroza after four successful years. Originally more than 15 parents sent a petition to local authorities seeking their children to be taught in Belarusian.

The government also restricted cultural events. During the year the government continued to force opposition theater and music groups into such venues as bars and private apartments and to suppress unofficial commemorations of historical events. For example, on November 25, owners of a private cafe in Brest were pressed by local authorities not to provide a venue to prominent signer Lyavon Volski, who was forced to perform in a church. During the year authorities also banned a number of concerts and cultural performances by other prominent musicians and artists.

The government also restricted activities of a dissident writers union and extensively supported the progovernment Union of Writers of Belarus. On October 25, Lukashenka accused dissident writers of being obsessed with stalling "nationalism and political intrigue" and "exchanging their talent for foreign grants," and smearing "their country, insulting their people, and instigating youth to senseless rioting." He added that "renegades" were not allowed to "profane" Belarusian culture and supported the progovernment union as a "healthy creative force," noting that authorities were expecting "vibrant and talented works" from them.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. Only registered political parties, trade unions, and NGOs could request permission to hold a demonstration of more than 1,000 persons, and denials were the norm for critical groups. Security forces frequently forcibly dispersed participants, often causing injuries.

Freedom of Association.—The law criminalizes participation in the activities of unregistered NGOs, training persons to demonstrate, financing of public demonstrations, or solicitation of foreign assistance "to the detriment" of the country. During the year the law was amended to also prohibit the announcing of demonstrations, especially via the Internet or social networks, before they are approved by authorities. Violations are punishable by up to three years in prison.

Authorities employed a variety of means to discourage demonstrations, break them up, to minimize their impact, and punish the participants. Organizers must apply at least 15 days in advance for permission to conduct a public demonstration, rally, or meeting, and government officials are required to respond no later than five days prior to the scheduled event. However, authorities generally refused permits to opposition groups or granted permits only for demonstrations held far from city centers. Authorities used intimidation and threats to discourage persons from participating in demonstrations, openly videotaped participants, and imposed heavy fines or jail sentences on participants in unsanctioned demonstrations.

During the year authorities broke up scores of unauthorized demonstrations, often detaining and harassing participants. Numerous protest participants were detained, fined, and sentenced to periods of up to 15 days in administrative detention. On scores of occasions authorities fined opposition activists and members of NGOs for participating in unauthorized protests. On many occasions police and other security officials beat and detained demonstrators before, during, and after unsanctioned peaceful demonstrations.

In early June an Internet-organized group known as Revolution through Social Networks began calling for "silent" protests across the country to protest the undemocratic rule of Lukashenka. The group urged people to assemble in areas freely accessible to the public to express concern over economic and political conditions without displaying any flags or banners or political identification and without chanting any slogans.

On June 14, the prosecutor general warned against unsanctioned protests, and the Ministry of Internal Affairs spokesman claimed that protests could lead to "explosions and gunfire." On June 15, several thousand people defied the warnings and gathered in central Minsk and in approximately 20 other cities across the country. The protesters silently marched and clapped their hands. Human rights groups reported that more than 240 persons, including independent journalists, were detained around the country. The vast majority were released without charge within a few hours.

On June 22, more than 6,000 persons took part in silent protests across the country, leading to at least 460 detentions, including independent journalists. Thirty-three participants reportedly were fined up to 1.05 million rubles ($127) on the charges of "disorderly conduct."

At a large demonstration on July 3, the number of detained protesters reached nearly 400, including 20 independent journalists. Minsk police warned ahead of protests that individuals would be "allowed to clap freely" only during the July 3 official Independence Day parade, thus apparently criminalizing a major tactic of the "silent protests." The majority of the detained on July 3 were sentenced to up to 15 days in jail; others received fines up to 1.05 million rubles ($127). On July 6, more than 2,500 persons gathered for silent protests in 35 localities across the country. Police detained 400 persons, including 28 independent journalists. Administrative courts convicted 193 activists of "disorderly conduct," and the majority served 15 days in jail. The rest were fined up to 1.05 million rubles ($127).

After organizers of "silent" protests announced that the next rally would take place on September 21, police conducted a number of preventive arrests and "preventative talks" with activists throughout the country. A number of universities scheduled their classes for late evenings to prevent students from participating in demonstrations. No detentions were reported on September 21.

In the wake of the December 2010 postelection demonstration, security officers continued to harass and jail activists who protested police actions on that night. For example, on January 13, a court in Minsk fined Polish minority activist and journalist Andrzej Paczobut 1.75 million rubles ($211) for participating in unsanctioned postelection demonstrations. Police searched his residence in Hrodna and transported him for proceedings in Minsk a day earlier. The judge dismissed Paczobut's statements that he was covering the demonstration as part of his professional duties. On January 31, European Belarus campaign members Katsyaryna Lyudvik, Paulina Kuryanovich, and Maksim Vinyarski received 10 days in jail each for participating in a peaceful demonstration in protest of police repression in front of the KGB building on January 30. Four other demonstrators, including the common-law spouse of political prisoner Mikalai Statkevich, were fined 1.05 million rubles ($127) each.

Police also used preemptive arrest and detention to prevent democratic activists' participation in protests. For example, authorities took various measures to deter prodemocracy activists from celebrating the March 25 anniversary of the country's initial declaration of independence in 1918, an event the government does not recognize. Of at least 50 opposition activists detained on March 25, the majority were apprehended ahead of the demonstrations. Authorities blocked a number of opposition, youth, and civil society leaders in their residences early in the morning, or detained them while they were en route to demonstration sites, to prevent their leading demonstrations. Police dispersed a small gathering in central Minsk and fenced off another site at a downtown park where the activists intended to lay flowers, citing an alleged bomb threat.

On December 19, civil society activists gathered at a Catholic cathedral in downtown Minsk to mark the first anniversary of the December 2010 crackdown of postelection demonstrations and the continued detention of political prisoners. Police arrested more than 50 activists, and authorities sentenced at least 28 persons to up to 15 days in jail or fines up to 1.05 million rubles ($127) on December 20. Eight journalists were detained in Minsk and one in Vitsyebsk. Police searched their belongings and equipment and released them without charge.

Freedom of Association.—The law provides for freedom of association; however, the government severely restricted it in practice.

The government enforced laws and registration regulations to restrict the operation of independent associations that might be critical of the government. All NGOs, political parties, and trade unions must receive prior approval from the Ministry of Justice to register. A government commission reviews and approves all registration applications; in practice its decisions were based largely on political and ideological compatibility with the government's authoritarian philosophy. NGOs are also required to receive the approval and to register all foreign grants and technical

aid with the Department for Humanitarian Affairs under the presidential administration; otherwise, they are banned from appropriating these funds.

In November authorities enforced amendments to the already strict law on public associations that banned NGOs from keeping funds at foreign financial institutions for local activities. The law also prohibited NGOs from facilitating provision of any support or benefits from foreign states to Belarusian citizens based on their political, religious views or ethnicity, clearly aimed at the Polish minority.

Registration procedures required applicants to provide the number and names of founders, along with a physical address in a nonresidential building, an extraordinary burden given the tight financial straits of most NGOs and the fear of individual property-owners to rent space. Individuals listed as members were vulnerable to retribution. The government's refusal to rent office space to unregistered organizations and the expense of renting private space reportedly forced most organizations to use residential addresses. This allowed authorities to deregister existing organizations and deny their reregistration.

During the year the government denied registration to numerous NGOs and political parties on a variety of pretexts, including "technical" problems with applications. Authorities frequently harassed and intimidated individuals who identified themselves as founding members of organizations in an effort to induce them to abandon their membership and thus deprive groups of the number of petitioners necessary for registration. Many of the rejected groups previously had sought and been denied registration on multiple occasions. The government continued deregistering groups during the year. For example, after Center for Developing Volunteerism founder Mikalai Kvantaliyani filed for registration in March, KGB officers attempted to recruit him as an informant in exchange for unimpeded registration and possibilities to receive foreign donations. When Kvantaliyani refused and voiced his concerns to media, the Justice Ministry denied registration.

On February 28, the Supreme Court upheld the Justice Ministry's October 2010 denial of a registration application by the Belarusian Christian Democracy party on the grounds that the party allegedly had provided false information about its founders. This was the party's third registration attempt, and each time authorities exerted pressure on members to disavow their affiliation with the party, threatening them with dismissal from jobs, expulsion from universities, and criminal prosecution. Party leaders called the refusal "politically motivated," biased, and "predetermined."

On October 19, the Supreme Court upheld a denial of a registration application by the Tell the Truth movement, led by political prisoner and former presidential candidate Nyaklyaeu. The Justice Ministry refused to register the group in August, citing failure to submit a document confirming the landlord's ownership of the property intended as the group's offices. The ministry denied a previous registration application in February.

During the year the Ministry of Justice continued to issue written warnings to NGOs, political parties, and trade unions. For example, on July 28, the Supreme Court turned down an appeal by the BHC of the second warning issued on June 6 by the ministry. This warning was based on the BHC's refusal to pay taxes on technical aid received in 2004 in the framework of the EU's TACIS program (a program to promote the transition to a market economy and reinforce democracy and the rule of law), a case on which authorities took no further action. The first warning of January 12 was related to the BHC's open complaint to the U.N. special rapporteur on the independence of judges and lawyers on Belarus, which concerned pressure on defense lawyers in the postelection criminal case. The ministry claimed that the human rights group distributed false information and discredited law enforcement agencies and the judiciary. By law two warnings can result in a liquidation suit against an NGO. This allowed authorities to keep the BHC in a tenuous situation and closely monitor its activities.

Harassment in the form of inspections by security officials and confiscation of political literature continued.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement, including the right to emigrate. However, the government at times restricted the right of its citizens to foreign travel. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and persons of concern.

In-country Movement.—Passports serve as a form of national identity and are required for permanent housing, work, and hotel registration. Police continued to harass individuals who lived at a location other than the legal place of residence indicated in mandatory stamps in their passports.

The law also requires persons who travel to areas within 15 miles of the border to obtain an entrance pass.

Foreign Travel.—The government maintained a database of persons who were banned from traveling abroad. According to the Ministry of Internal Affairs, the list contained the names of at least 120,000 persons who were prohibited from foreign travel, including those who possessed state secrets, faced criminal prosecution or civil suits, or had outstanding financial commitments. Opposition politicians and civil society activists criticized the database, saying it restricted freedom of travel. Some persons were informed by letter that their names were in the database; others were informed at border crossings. In certain cases opposition activists either were turned away at the border or detained for lengthy searches.

For example, in November former political prisoners Dzmitry Drozd and Syarhei Kazakou, both of whom received presidential pardons in August, were turned away at the border with Lithuania without explanation. They later discovered that the database was outdated and read that they were still charged under the criminal case against postelection demonstrations participants.

Under a presidential decree, any student who wishes to study abroad must obtain permission from the Minister of Education. The decree, ostensibly intended to counter trafficking in persons, also requires the Ministry of Internal Affairs to track citizens working abroad and obliges employment agencies to report individuals who do not return from abroad as scheduled.

Exile.—The law does not allow forced exile, but sources asserted that security forces threatened opposition leaders with bodily harm or prosecution if they did not leave the country. The law allows internal exile, known as khimiya, for persons convicted of crimes, and authorities employed it during the year.

Many university students who had been expelled or were under threat of expulsion for their political activities opted for self-imposed exile. Since 2006 more than 500 students have left the country to continue their studies at foreign universities. After Lukashenka pardoned political prisoners Fyodar Mirzayanau and Illya Vasilevicht in September, they left the country to study in Poland. Both were previously expelled from universities in Minsk and sentenced to three years in jail for participating in postelection demonstrations.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

While all foreigners have the right to apply for asylum, no Russian nationals received either refugee status or complementary protection in the country. Immigration authorities and courts asserted that under the terms of treaties on the union with Russia, and as a result of the equal rights of citizens in each country, Russians can legally settle and obtain residence permits in the country based on their Russian citizenship and therefore do not need asylum. Nevertheless, as of October 1, immigration authorities accepted five asylum applications from Russian citizens during the year.

Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to the authorities. Authorities reportedly often required asylum seekers to settle in rural areas. Change of residence was possible only with notification to authorities. Authorities issue registered asylum seekers certificates that serve as identification documents and protect them from expulsion. In accordance with the law, they also must register with local authorities to obtain identity documents.

Temporary Protection.—The government also provided temporary protection to individuals who may not qualify as refugees and provided it to approximately six persons during the year.

In accordance with asylum legislation, aside from refugee status there is also complementary protection and "nonrefoulement protection" (in the form of temporary residence for a one-year term). During the year one person applied for extension of complementary protection (extension was granted); five persons were able to extend nonrefoulement protection for one year.

Stateless Persons.—As of January 1, the UNHCR listed 7,731 stateless persons in the country.

Arbitrary detention of, and violence against, stateless persons generally were not problems. However, stateless persons faced discrimination in employment because authorities often required them to settle in rural areas and prohibited them from seeking jobs outside of the regions where they lived. In practice stateless persons could not change their region of residence.

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

The law provides the right for citizens to change their government peacefully; however, the government denied citizens this right in practice.

Since his election in 1994 to a five-year term as the country's first president, Lukashenka steadily consolidated power in the executive branch to dominate all branches of government, effectively ending any separation of powers among the branches of government. Flawed referenda in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. Subsequent presidential elections, including the one held in December 2010, continued to deny citizens the right to express their will to choose between opposing candidates in an honest and transparent process with fair access to media and resources.

Elections and Political Participation.—Recent Elections.—The December 2010 presidential election was marred by numerous violations of procedures and an absence of transparency and accountability that led the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) observer mission to report that the country still had "a considerable way to go in meeting its international commitments." OSCE/ODIHR observers assessed the vote count as "bad or very bad in almost half of all observed polling stations," with clear instances of ballot stuffing and tampering. Although opposition candidates enjoyed somewhat greater freedom to enter the race and promote their candidacies than in earlier elections, preelection campaigning remained extremely limited, and government harassment of independent newspapers, opposition political parties, and independent NGOs throughout the year limited the opposition's ability to mount effective campaigns.

According to the OSCE/ODIHR mission, broadcasters nationwide devoted 90 percent of their political coverage to Lukashenka, and coverage of opposition candidates was overwhelmingly negative. Despite a nominal increase in opposition representation, authorities continued to exclude opposition representatives from election commissions at all levels. The majority of observers at local polling places appeared to be from government-sponsored NGOs; many of them received instructions in advance to report to foreign observers that the proceedings were "in order."

However, the most serious violations took place after the polls closed, when, as the OSCE/ODIHR mission observed, the situation "deteriorated significantly." In many instances international observers reported that counting was conducted silently and at a sufficient distance as to make evaluation of the count impossible. There were a number of reports that vote totals changed as the ballot boxes were transported between local precincts and the territorial election commission offices. No genuinely independent organizations were permitted to conduct exit polls, but in the opinion of the independent NGO "For Fair Elections," which monitored 250 polling stations across the country, the president failed to gain the 50 percent of the vote necessary to avoid a runoff. The official results gave Lukashenka 79.65 percent of the vote against nine other candidates.

The September 2008 parliamentary elections also fell significantly short of international standards for democratic elections, according to the final report by the OSCE/ODIHR observer mission.

Political Parties.—Authorities routinely harassed and impeded the activities of independent political parties and activists. There were several instances of violence against prominent members of the political opposition during the year. Some opposition parties lacked legal status, as authorities refused to register them, and the government routinely interfered with the right to organize, stand for election, seek votes, and publicize views. Approximately half a dozen largely inactive political parties loyal to the regime were allowed to operate freely, even though they appeared to be little more than fig leaves for a system that had de facto excluded party politics.

Political parties continued to receive formal "warnings" for minor offenses under a law that allows authorities to suspend parties for six months after one warning and close them after two. The law also prohibits political parties from receiving support from abroad and requires all political groups and coalitions to register with the Ministry of Justice.

Authorities continued to harass the unrecognized Union of Poles and its members.

Participation of Women and Minorities.—While there were no laws that prevented women or minorities from voting or participating in political life on the same basis as men or minorities, statements by Lukashenka against female political leadership was cited as one of the obstacles to advancing women's political participation. Of the 24 ministries in the government, one was led by a woman.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, reports indicated that officials continued to engage in corrupt practices. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem in the country. According to former prosecutor general Ryhor Vasilevich, the majority of the corruption cases involved accepting and soliciting bribes, fraud, and abuse of power, often by government officials.

The absence of an independent judicial system, professional law enforcement, separation of powers, and an independent press made it virtually impossible to gauge the scale of corruption.

The deputy prosecutor general reported that during the year authorities registered 2,416 corruption crimes, down 33.6 percent from the previous year, mainly because the following offenses were removed from the corruption category: forgery by an official, smuggling, receipt of illegal compensation, and financing terrorist activities. Bribery accounted for 54.7 percent of cases, fraud for 5.8 percent, and embezzlement through abuse of office for 35.7 percent. The highest corruption rates were registered in the industrial, agricultural, and construction sectors. According to a senior official in the Prosecutor General's Office, an average bribe was $300 and the highest bribe was $500,000.

During the year officials of agencies responsible for maintaining state security, including financial intelligence, Defense Ministry, customs and border agencies, committed 116 corruption-related crimes, down from 252 crimes in 2010, or 4.8 percent of all corruption crimes. The Military Prosecutor's Office investigated and filed in court 11 cases of corruption and reimbursed more than 60 million rubles ($7,250) in damages resulting from corruption during the year.

There were numerous corruption prosecutions during the year; however, prosecutions remained selective and appeared in some cases politically motivated. Apparent attempts to tackle corruption ended with the arrest of a leading prosecutor. For example, on August 2, the Supreme Court sentenced former senior investigator of the prosecutor general's office Svyatlana Baykova to two years of partial house arrest on minor charges of exceeding her authority. Charges of pressuring a suspect to give a statement, ordering unjustified detention, and bringing charges against a knowingly innocent person, as well as extensive abuse of authority were dropped. KGB officers arrested Baykova in February 2010 and charged her with illegally dropping criminal charges and abusing her office. The trial started on March 10 and was held behind closed doors because the case reportedly covered classified information. In June Baykova appealed to Lukashenka, seeking to ensure her prompt release and committing to further curb corruption among officials.

Baykova was the chief investigator in a high-profile criminal case against an alleged smuggling ring that included former senior customs officials and KGB and state control committee officers. On November 15, the Belarusian Military Court acquitted 36 suspected members of this criminal group in closed hearings that commenced in May 2010. Thirty-six individuals charged with corruption and facilitating evasion of more than 30 billion rubles ($3.6 million) in custom duties included Anatol Hramovich, a former director of the financial intelligence department under the State Control Committee, and Yauhen Selivanau, a former deputy head of the Brest customs agency. The court ruled that the statute of limitations had expired in relation to a number of crimes allegedly committed by them. In addition, most of the suspects reimbursed damages of more than 450 million rubles ($54,350) in illegal foreign currency proceeds to the state during pretrial investigations. Hramovich was arrested in January 2009 on charges of bribery, abuse of office, and establishing a criminal group.

On December 26, KGB head Vadzim Zaytsau reported that his agency opened more than 50 cases to investigate corruption in addition to 80 cases initiated by other law enforcement agencies. He claimed that of 44 persons convicted of corruption, 33 were state officials, including those at the senior level.

The law, government policies, and a presidential decree severely restricted public access to government information. Citizens had some access to certain categories of information on government databases and Web sites; however, much of the information was neither up-to-date nor complete.

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

There were a number of active domestic human rights NGOs; however, authorities were often hostile to their efforts, did not cooperate with them, and were not responsive to their views.

Three prominent human rights NGO—the BHC, Center for Human Rights, and Center for Legal Transformations—remained registered. The government refused to register numerous NGOs and continued to harass them under articles 193 and 193.1 of the criminal code, which criminalizes organizing or participating in any activity by an unregistered organization. The law also prohibits persons from acting on behalf of unregistered NGOs. A variety of unregistered NGOs, including Vyasna, the "Solidarity" Committee for the Protection of the Repressed, the Human Rights Alliance, Legal Assistance to the Population, and for Religious Freedom, continued to operate in spite of systematic harassment from authorities.

Authorities harassed both registered and unregistered NGOs, subjected them to frequent inspections and threats of deregistration, and monitored their correspondence and telephone conversations. Authorities harassed family members of NGO leaders and civil society activists. The government ignored reports issued by human rights NGOs and rarely met with them. State-run media did not report on human rights NGOs and their actions; independent media that reported on human rights issues were subject to closure and harassment.

Authorities can close an NGO after issuing only one warning that it violated the law. The most common pretexts prompting a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting what is considered illegal forms of foreign assistance and permits the Ministry of Justice to participate in any NGO activity and to review all NGO documents. NGOs also must submit detailed reports annually to the ministry about their activities, office locations, officers, and total numbers of members.

A presidential order in 2008 increased rent tenfold for most NGOs. Prior to the order NGOs paid one euro ($1.30) per square foot of office space, compared with 10 euro ($13) charged to commercial groups. While some groups, including youth sports groups, charity organizations, and children's arts centers, continued to pay the one euro rate, other NGOs, such as the Belarusian Voluntary Society for Historic and Cultural Heritage Protection, were required to pay the higher rate. Some NGOs were forced to close or move because of higher rents. In February 2010 a senior state property committee member stated that to be eligible for discounted rent rates, an NGO must actively support the government's policies.

Following the flawed December 2010 presidential election, authorities raided the offices of some NGOs, seizing computers and other equipment. On May 4, police disrupted a news conference at Vyasna's offices organized by human rights defenders, including some from Russia and Ukraine, to present an interim report about the continued police crackdown in connection with postelection demonstrations. Security officers arrived at the offices an hour before the conference and searched the premises for an alleged bomb.

During the year the BHC continued to experience problems with authorities and its accounts remained blocked due to two written warnings based on tax arrears, and a complaint it sent to the U.N. regarding the regime's repressions of lawyers. In 2008 the Supreme Court allowed the Ministry of Justice to withdraw a petition to suspend the BHC's activities. However, the NGO's bank accounts remained blocked, and alleged tax arrears were unresolved. The case originated in 2005, when authorities seized BHC office equipment as partial payment of 191.5 million rubles ($23,130) in alleged tax arrears and fines for back taxes on international donor funds dating from 2000-02. In October 2009 the financial intelligence services requested income statements and other information from BHC members.

The KGB continued to harass NGO and political party members and activists by planting defamatory articles or information about them in the media. For example, on November 24, Ales Byalyatski, head of the Vyasna human rights group, was convicted of politically motivated charges of large-scale concealment of income and tax evasion and sentenced to four and one-half years in jail. State media repeatedly broadcast and printed insulting materials about him and Vyasna, accusing him of stealing funds from donors and calling him "a criminal."

Authorities were reluctant to engage on human rights problems with international NGOs, whose representatives often had difficulty gaining admission to the country. For example, authorities refused entry visas to a number of foreign human rights activists, including the president of the International Federation of Human Rights Leagues, Souhayr Belhassen, who intended to monitor the trial of Ales Byalyatski in November. Visas also were denied to Marie Manson of Sweden's Civil Rights De-

fenders, Ane Bonde and Daiva Petkeviciute of Norway's Human Rights House Foundation, and Mariana Rocha of the Brussels-based International Partnership for Human Rights.

Authorities routinely ignored local and international NGOs' recommendations on how to improve the human rights situation in the country and their requests to stop harassing the NGO community.

U.N. and Other International Bodies.—In December 2010 a Foreign Ministry spokesman announced that there were "no objective reasons" for extending the mandate of the OSCE office in Minsk, despite the fact that the mandate of the office had not been fulfilled and notwithstanding calls by the EU and others to extend the mandate. The office had operated since 2003 with a mandate to assist the country in the area of rule of law and with economic and environmental matters. A previous OSCE office with a broader mandate was terminated by the regime in 2001. The government claimed that the OSCE mandate "has been fulfilled" and pointed to the earlier closure of OSCE missions in neighboring countries.

Government Human Rights Bodies.—There is a standing commission on human rights in the lower chamber of parliament, but it was ineffective.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. In practice the government did not always enforce these prohibitions. Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and members of the lesbian, gay, bisexual, and transgender (LGBT) community.

Women.—Rape and Domestic Violence.—The law criminalizes rape in general but does not include separate provisions on marital rape. Rape was a problem. However, most women did not report it due to shame or fear that police would blame the victim. According to the Ministry of Internal Affairs, there were 119 registered cases of rape during the year, down 16.8 percent compared with 2010.

Domestic violence, including spousal abuse against women, was a significant problem. In February the Office of the U.N. High Commissioner for Human Rights raised grave concerns about the persistence of violence against women, in particular domestic and sexual violence, its underreporting, the lack of prosecution of violence within the family, the fact that rape was subject to private rather than ex officio prosecution, and the lack of shelters for victims of domestic violence.

The criminal code does not contain a separate article dealing with domestic violence. According to a study released by the Belarus State University's Center for Sociological and Political Research in March 2010, four out of five women between ages 18 and 60 claimed that they were subjected to psychological violence in their families. One in four women suffered from physical violence, and 13 percent of women reported that their partners sexually abused them. Women remained reluctant to report domestic violence due to fear of reprisal and social stigma. According to the study, only 6 percent of male and 46 percent of female victims of domestic violence sought professional assistance. NGOs operated crisis shelters, primarily in Minsk, but they were poorly funded and received only limited support from the government.

The deputy prosecutor general announced that the number of domestic crimes decreased by 16.4 percent, with 2,602 cases reported during the year.

Sexual Harassment.—Sexual harassment reportedly was widespread, but no specific laws, other than those against physical assault, address the problem.

Sex Tourism.—A senior Internal Affairs Ministry official acknowledged that the scope of sex tourism expanded and reported that two Turkish nationals and a citizen of Bahrain were convicted of facilitating sex tourism during the year. Due to the closed nature of the government and sparse independent reporting, it was difficult to estimate the extent of any possible government complicity; however, credible sources asserted that the KGB and other security agencies controlled and profited from sex tourism and associated businesses, including gambling, hotels, and nightclubs.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections. According to data published jointly by the World Health Organization, UNICEF, U.N. Population Fund, and World Bank, the country's maternal mortality ratio was 15 maternal deaths per 100,000 live births in 2008.

Discrimination.—The law provides for equal treatment of women with regard to property ownership and inheritance, family law, and the judicial system, and it was generally respected in practice. The law also requires equal wages for equal work, although this provision was not always enforced. In December 2010 Deputy Minister of Labor and Social Security Ihar Staravoytau said that women's wages were 20 percent less than those of men's despite higher education levels.

The National Statistics Committee reported that as of November 1, 62.8 percent of the unemployed were women compared with 52.8 percent in November 2010. Staravoytau also noted that it took one month on average for men to find new employment and more than two months for women. Women also accounted for two-thirds of all officially unemployed persons seeking a job for more than a year.

There were very few women in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Women's groups also voiced concerns about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

The law grants women the right to three years of maternity leave with assurance of job availability upon return. However, employers often circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she became pregnant. During an inspection of 29 enterprises in the Vitsyebsk region in 2009, the local prosecutor's office found that employed women who were taking care of minor children at times were forced to travel on business and work overnight and overtime without their prior consent and in violation of laws. A number of women worked in extreme and hazardous conditions.

Children.—Birth Registration.—Citizenship is derived either by birth within the country's territory or from one's parents. A child of a citizen is a citizen regardless of place of birth, even if one of the parents is not a citizen.

Education.—In contrast with previous years, there were few and isolated reports that Romani children were subject to harassment from non-Romani children and teachers. The majority of Romani youth did not finish secondary school and failed to enroll in university programs, although the situation improved as more Romani children from mixed families were enrolling and obtaining bachelor degrees, including in the regions. There were no special school programs for Roma, although there were such programs for Jews, ethnic Lithuanians, and Poles.

Child Abuse.—Rape or sexual assault of a person known to be a minor is punishable by up to 15 years in jail. Sexual acts between a person older than 18 years of age and a person known to be younger than age 16 carry penalties of up to five years in jail. According to NGOs that assist child abuse victims, authorities reported approximately 165 criminal cases during the year where children were victims of various forms of sexual abuse and molestation. Twenty-eight children, including five girls aged nine and 10, were raped. The majority of the perpetrators were family members.

The Education Ministry reported on emotional and physical abuse against children that did not require forensic investigations. According to the most recent statistics available, in 2006 approximately 10 percent of children between the ages of 10 and 17 were victims of psychological abuse in their families, and 4.5 percent were victims of physical abuse.

Child Marriage.—There were reports of child marriage during the year where girls as young as age 14 and boys as young as age 16 were married with parental consent. The government registered 904 marriages, up from 856 in 2011. In the majority of these cases, children were married with parental consent.

Sexual Exploitation of Children.—The law provides penalties of up to 13 years in jail for production or distribution of pornographic materials depicting a minor. Child prostitution was a problem. According to data from the Ministry of Internal Affairs, 22 minors became victims of trafficking-related crimes for sexual exploitation. The ministry reportedly registered 36 criminal cases in connection with the production and distribution of child pornography, including 27 cases of distribution in the Internet during the year. Children, along with men and women, were forced into forced labor (see section 7 c.). There were also reports of child trafficking.

Institutionalized Children.—There was no system of monitoring of child abuse in orphanages or other specialized institutions. Authorities did not report on any child abuse incidents. In 2007-08 the Education Ministry and UNICEF conducted a national survey to assess the child abuse situation in the country.

According to the ministry, 20 percent of institutionalized children 10-17 years of age reported psychological abuse by family members, and 22 percent reported they were victims of psychical abuse. Independent observers suggested that numbers

were likely to be higher, since approximately 30 percent of children refused to answer this question.

International Child Abductions.—The country was not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—Jewish groups estimated that between 30,000 and 40,000 persons identified themselves as Jews. Most were not active religiously.

During the year anti-Semitic incidents continued but were on the decline, and authorities sporadically investigated reports of such acts. Religious sites were vandalized. For example, in mid-November members of the Jewish community in Babruisk reported several incidents of vandalism of the city's synagogue. On November 11, vandals painted a swastika and the words "death to Jews" on the fence surrounding the synagogue. In the early morning hours of November 18, vandals smashed four of the synagogue's windows. No suspects were apprehended. The government did not promote antibias and tolerance education.

Jewish community and civil society activists continued to express concern over the concept of a "greater Slavic union" that was popular among nationalist organizations, including the neo-Nazi group Russian National Unity, which remained active despite its official dissolution in 2000. Neo-Nazis were widely believed to be behind these and numerous other incidents across the country. Anti-Semitic and Russian ultranationalist newspapers, literature, DVDs, and videotapes imported from Russia continued to be sold.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, and other government services, and discrimination was common in practice.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities which accounted for more than half a million persons. The law mandates that transport, residences, and businesses be accessible to persons with disabilities. However, in practice few public areas were wheelchair accessible. The National Association of Disabled Wheelchair Users estimated that more than 90 percent of persons with physical disabilities were unable to leave their places of residence without assistance and their places of residence were not accommodated for wheelchair users. While authorities claimed that 30 percent of the country's total infrastructure was accessible, disability rights organizations disputed this figure.

A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them. Local NGOs reported that 80 percent of persons with disabilities were unemployed. Authorities provided minimal welfare benefits for persons with disabilities, and calculations of pensions did not take disability status into account. Members of the country's Paralympics teams received half the salaries and prize money of athletes without disabilities.

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. Approximately 70 such institutions existed across the country. Disability rights organizations reported that the quality of care in these facilities was low, and instances of mistreatment and abuse were reported. Persons with physical disabilities and persons with mental disabilities frequently were mixed within facilities and not provided specialized care. Public transportation was free to persons with disabilities, but neither the subway in Minsk nor the bus system was wheelchair accessible. According to government statistics, two percent of the country's public transportation network was accessible.

Disability rights organizations reported difficulty organizing advocacy activities, given impediments to freedom of assembly, censorship of materials, and the government's unwillingness to register assistance projects. For example, an independent group advocating for rights of persons with disabilities reported that the Belarus State University rejected an application from a visually impaired woman to enroll into a legal program despite high test scores. They cited a lack of specialized equipment to accommodate her disability. She was subsequently accepted after intervention by human rights advocates.

In November a wheelchair user was unable to file a complaint to a Minsk district court because the court was located in an old building without ramps. Advocates also noted that persons with disabilities, especially visually and hearing impaired, lacked the ability to address violations of their rights easily and completely as courts often failed to provide special equipment and sign language translation.

National/Racial/Ethnic Minorities.—Governmental and societal discrimination against the ethnic Polish population and Roma persisted. There were also expressions of societal hostility toward proponents of Belarusian national culture, which the government often identified with actors of the democratic opposition.

During the year authorities continued to harass the independent and unregistered Union of Poles of Belarus (UPB). However, in contrast with previous years, authorities did not openly persecute UPB members.

Official and societal discrimination continued against the country's 10,000 to 20,000 Roma. The Romani community continued to experience high unemployment and low levels of education. Authorities estimated the unemployment rate among Roma to be as high as 80 percent, according to the latest available information. Roma often were denied access to higher education in state-run universities. In 2009, however, the Office of the Plenipotentiary Representative for Religious and Nationality Affairs stated that the country's Romani community had no problems that required the government's attention.

While the Russian and Belarusian languages have equal legal status, in practice Russian was the primary language used by the government. According to independent polling, the overwhelming majority of the population spoke Russian as its mother tongue. Because the government viewed proponents of the Belarusian language as political opponents of the regime, authorities continued to harass and intimidate academic and cultural groups that sought to promote use of the Belarusian language. Proposals to widen use of the language were rejected routinely.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexuality is not illegal, but discrimination against members of the LGBT community was widespread, and harassment occurred.

Authorities routinely denied LGBT groups permission to hold public events, including a pride parade. In early May authorities denied the LGBT community 100 applications to hold scores of events to mark the International Day against Homophobia and Transphobia. In spite of the denial, members of the local LGBT rights NGO Gay Belarus planned to pass out leaflets in downtown Minsk on May 17. However, authorities preemptively detained approximately 15 group members, held them for three hours, and subsequently released them without charge.

In December authorities denied a registration application to a gay rights group, Alternative Plus Human Rights Center, citing minor errors in information on its founders, such as a misspelled name and a wrong birth date. Societal discrimination against LGBT activists persisted. For example, the gay pride parade in October was marred by homophobic attacks, including painting homophobic graffiti and throwing eggs on walls of an openly gay bar in Minsk.

On July 18, Natallya Pradzed, an LGBT activist, held a picket in Minsk to protest violations of human rights and arbitrary government policies. She was arrested and sentenced to 10 days in jail.

On October 7, Lukashenka apologized for having told German Foreign Minister Guido Westerwelle, who is gay, "that he had to lead a normal life," presumably at a closed meeting in November 2010. Lukashenka noted that he regretted his statement but condemned homosexual relations. Earlier, he stated that he did not understand how two men could live together and would exile gay men to collective farms "with great pleasure."

Other Societal Violence or Discrimination.—Societal discrimination against persons with HIV/AIDS remained a problem, and the illness carried a heavy stigma. The Joint United Nations Program on HIV/AIDS office reported that there were numerous reports of HIV-infected individuals who faced discrimination, especially at workplaces and during job interviews.

According to a U.N. Fund for Population Activities study released in February, 30.8 percent of surveyed doctors indicated their reluctance to work with HIV-positive persons and, if they treated them, their discomfort with such patients. Only 8.1 percent expressed a positive attitude towards HIV-infected patients. More than 16 percent of doctors said that they lacked knowledge for treating such patients efficiently, and 74.5 percent heavily stigmatized HIV-positive persons, describing them as irresponsible and promiscuous.

During the year a number of NGOs representing HIV-infected persons expressed serious concerns about a discriminatory bill aimed at preventing the spread of the virus and other dangerous and primarily communicable diseases. The bill was adopted by the government at year's end despite numerous NGO appeals and petitions to recall or amend it. According to a United Nations Development Program expert, the legislation would stigmatize HIV-infected persons and "force the HIV infection into underground." The law extends the list of grounds for mandatory HIV testing and requires HIV-positive persons to inform all their former partners of their

status. According to rights advocates, the law will further stigmatize not only HIV-infected persons but also their families, breach their privacy and medical secrecy, and turn them away from state-run medical and social institutions.

Although the government adopted a national program for preventing HIV in 2011-15, which for the first time prescribes funds to procure imported antiretroviral treatment for HIV-infected persons, a near three-fold devaluation of the Belarusian currency raised serious doubts about committed resources. However, the government continued to broadcast and post public service advertisements raising awareness about HIV/AIDS and calling for greater tolerance towards persons infected with the virus.

There were also frequent reports of family discrimination against HIV-positive members of households. This included preventing HIV-positive parents from seeing their children, or requiring HIV-positive family members to use separate dishware.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers, except state security and military personnel, to form and join independent unions and to strike. The law provides for the right to organize and bargain collectively but does not protect against antiunion discrimination.

In practice independent unions were barely tolerated. The government-controlled and docile Federation of Trade Unions of Belarus was the largest union, claiming an estimated four million members; however, that number was likely inflated, since the country's total workforce was approximately four million. The Belarusian Congress of Democratic Trade Unions (BCDTU), with four constituent unions and approximately 10,000 members of independent trade unions, was the largest independent union umbrella organization.

Tight government control over registration requirements and public demonstrations made it difficult for unions to organize and strike. Such control reportedly increased as a result of the economic crisis during the year. Management and local authorities blocked worker attempts to organize strikes on many occasions by declaring them illegal. Government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements.

During the year the government continued efforts to suppress independent unions, stop union activities, and bring all union activity fully under its control. Its efforts included frequent refusals to extend employment contracts for members of independent unions and refusals to register independent unions. According to BCDTU leader Alyaksandr Yarashuk, no independent unions have been established since a 1999 decree requiring trade unions to register with the government. Workers who were deemed "natural leaders" or who involved themselves in NGOs or opposition political activities were fired routinely for these activities.

Local authorities continued to deny multiple registration applications to the Vitsyebsk, Mahilyou, and Homyel chapters of the Belarusian Union of Electronic Industry Workers (REP). According to the REP, authorities refused to reregister the chapter in Mahilyou because the REP office proprietor had not agreed to register the office as its legal address due to harassment from officials. In 2009 a court in Mahilyou upheld the registration denial. Further attempts to reregister in Mahilyou also were denied. REP did not file registration applications for their chapters in Vitsyebsk, Mahilyou, and Homyel during the year but intended to do so in 2012.

On January 14, KGB officers conducted a raid of the Minsk-based REP offices for four hours, seizing equipment and printed materials. A search warrant alleged that presidential candidate Andrei Sannikau's campaign team stored materials at REP premises, which were used in postelection demonstrations.

In July state-run housing services in Smalyavichy unexpectedly refused a local REP chapter's request to extend a lease of offices that they had been renting for three years. The refusal came after the premises were burglarized a number of times and office equipment was stolen. The REP chapter requested the assistance of local authorities in finding a new office; however, authorities responded that there were no members of REP in Smalyavichy and the chapter should be shut down.

In Baranavichy the management of a local factory dismissed engineer Viktar Tsyapin in December. Tsyapin linked his dismissal with his efforts to organize "the people's assemblies," protests by the democratic opposition against poor economic conditions that were deemed unsanctioned by the government and for which Tsyapin was fined in October 875,000 rubles ($106). In a similar case, a private company in Baranavichy dismissed Anzhela Kambalava, who was also fined 350,000 rubles ($42) for distributing leaflets about "the people's assemblies" in October.

On November 14, Dzmitry Karashkou, an operator of a diesel locomotive at the railroad car repair plant in Homyel, was dismissed for participating in "the people's assemblies" and collecting his colleagues' signatures to petition for a twofold salary increase in October.

On October 24-25, workers of the municipal service in charge of collecting garbage in Barysau walked out in protest of salaries as low as 600,000 rubles ($72). After negotiations with the management workers agreed to a monthly 20 percent increase of salaries in addition to a lump sum of 500,000 rubles ($60).

In November workers at a farm in the Malaryta district went on a brief strike demanding wage increases. The farm management manipulated the situation and claimed to have raised their pay by 28 percent, which in fact was a nationwide raise for public sector workers as of October 1.

During the year authorities and state-run enterprises continued to pressure independent trade unions and deny their right to sign collective bargaining agreements. For example, after a year of three-party negotiations, state-run oil refinery Naftan signed on January 28 an agreement with the state-controlled trade union of chemical industry workers, leaving out the Belarusian Independent Trade Union (BITU), a member of the BCDTU. The management of Naftan refused to sign a separate agreement with the chapter of the BITU. On November 30, local authorities in Navapolatsk denied a fourth application from the BITU to stage an authorized picket in protest of the refusal.

Since 2000 the government has required state employees, who constitute approximately 80 percent of the workforce, to sign short-term work contracts. Although such contracts may have terms of up to five years, most expired after one year, which gave the government the ability to fire employees by declining to renew their contracts. Many members of independent unions, political parties, and civil society groups lost their jobs because of this practice. In March 2010 the president signed an edict providing the possibility for employers to sign open-ended work contracts after five years of good conduct. The edict limited the rights of employers to approve open-ended contracts earlier than five years after the service computation date and made no major changes to the contracting system. The provision did not apply to state employees and other categories of workers who remained subject to mandatory contracts.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that women, men, and children were trafficked for commercial sexual exploitation and forced labor.

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

During the year the government approved "subbotniks," which required employees of the government, state enterprises, and many private businesses to work on Saturday and donate their earnings to finance government social projects. Employers and authorities subjected workers who refused to take part to fines and intimidation. Minsk city authorities claimed that more than three million persons worked at a "subbotnik" in April.

There were reports that authorities forced men serving mandatory military service to undertake work that was unrelated to their military service. Credible sources also reported labor violations commensurate to forced labor in prisons. Former inmates stated that their monthly wages were as low as 5,000 rubles ($0.60)

c. Prohibition of Child Labor and Minimum Age for Employment.—The law forbids the exploitation of children in the workplace, including a prohibition on forced and compulsory labor, and specifies policies for acceptable working conditions. The government generally implemented these laws in practice. However, there were reports that some children were compelled into forced labor.

The minimum age for employment is 16; however, a child as young as age 14 may conclude a labor contract with the written consent of one parent or a legal guardian. The Prosecutor General's Office reportedly enforced the law effectively. Minors under age 18 were allowed to work in nonhazardous jobs but were not allowed to work overtime, on weekends, or on government holidays. Work was not to be harmful to the minors' health or hinder their education.

d. Acceptable Conditions of Work.—As of December 1, the national minimum monthly wage was 925,520 rubles ($112). As of December 31, the average monthly wage was 2,877,658 rubles ($348). As of November 1, the government set the poverty line at 574,790 rubles ($69) a month per capita. The first deputy minister of labor and social security reported on December 28 that 59 organizations paid their workers wages below the established national minimum monthly compensation.

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. Because of the country's difficult economic situa-

tion, many workers worked considerably less than 40 hours per week, and factories often required workers to take unpaid furloughs due to lack of demand for the factories' products. In May amid deepening financial crisis and lack of foreign currency proceeds, the head of the National Statistics Committee stated that approximately 600,000 workers in industries were on furloughs due to their companies' failure to import raw materials. Given higher wages in Russia, labor migration to Russia, where Belarusians have the legal right to work, increased noticeably. The law provides for mandatory overtime and holiday pay and restricts overtime to four hours every two days, with a maximum of 120 hours of overtime each year.

The law establishes minimum conditions for workplace safety and worker health; however, employers often ignored these standards. Workers at many heavy machinery plants did not wear minimal safety gear. There is a state labor inspectorate, but it lacked authority to enforce employer compliance and often ignored violations.

As of November 1, the Ministry of Labor and Social Protection reported 173 workplace fatalities, down from 202 in the same period in 2010. The ministry reported that the majority of workplace accidents were registered in the construction industry and were caused by carelessness, poor conditions, malfunctioning equipment, and poor training and instruction. The law does not provide workers the right to remove themselves from dangerous and unhealthy work environments without risking loss of employment.

BELGIUM

EXECUTIVE SUMMARY

The Kingdom of Belgium is a parliamentary democracy and a limited constitutional monarchy. The country is a federal state with several levels of government: national, regional (Flanders, Wallonia, and Brussels), language community (Flemish, French, and German), provincial, and local. The Federal Council of Ministers, headed by the prime minister, remains in office as long as it retains the confidence of the lower house (Chamber of Representatives) of the bicameral parliament. Federal parliamentary elections held in 2010 were considered free and fair. Security forces reported to civilian authorities.

The main human rights problems in Belgium were significant overcrowding of the prisons and discrimination against racial and religious minorities in the labor market. In July the ban against the wearing of full-face veils in public places (commonly referred to as the "burqa ban") went into effect nationwide.

Other human rights problems included violence against women, child abuse, and trafficking in persons.

Belgium actively prosecuted and punished officials who committed abuses, whether in the security services or elsewhere in the government, and no cases of impunity were reported.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits cruel, inhuman, or degrading treatment or punishment, and there were no reports that government officials employed these during the year.

In its 2011 report on Belgium, Amnesty International cited allegations by protesters of excessive use of force by police following two demonstrations in Brussels in September and October 2010. The Permanent Oversight Committee on the Police Services opened investigations that were ongoing at year's end regarding the allegations.

Prison and Detention Center Conditions.—Prison and detention center conditions met most international standards, and the government permitted visits by members of parliament and independent human rights observers.

Prison overcrowding remained a problem. In 2010 the total prison population reached a record high of 11,044, more than 20 percent above prison capacity of 9,179. To ease overcrowding, 500 inmates served part of their sentences in prisons in the Netherlands, and the Netherlands added 150 additional places in its prisons in December 2010. In 2010, 43 inmates died in Belgian prisons. As of August 9, there were 443 female inmates, constituting approximately 4 percent of the prison population. There were no specific reports of abuses or that women were treated

worse than men in the seven prisons housing women. As of August, there were 87 juvenile inmates in special closed centers.

Prisoners have access to potable water and recourse to a federal ombudsman. During 2010 there was an increase in the use of alternative sentences, especially for nonviolent offenders.

Prisoners and detainees have reasonable access to visitors and are allowed religious observance. The authorities permitted prisoners and detainees to submit complaints and allegations of inhumane conditions to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions and documented these results in a publically accessible manner. The government investigated and monitored prison and detention center conditions. A credible 2010 internal evaluation issued by the penitentiary administration stated that prisons conditions were acceptable in 30 of 36 prisons.

The government permitted visits to prisons and detention centers by members of parliament and independent human rights groups during the year. The federal mediator acts as an ombudsman allowing any citizen to address issues with the administration. In 2009 responding to a request from inmates from the Merksplas Prison, the federal mediator recommended the closure of one of the prison buildings because the cells were small, overcrowded, and lacked running water. Following the release of the mediator's report, the Ministry of Justice made the necessary improvements to reopen the building. During the year the ministry continued implementing the 2008-12 master plan to build seven new penitentiaries and upgrade existing infrastructure. Four new prisons were under construction and scheduled for completion by 2013, providing places for an additional 1,000 prisoners.

Belgium generally complies with minimum U.N. standards for prisons. As of September, 89 articles of the "Dupont" law, clarifying the rights and obligations of inmates, became applicable. Accordingly, inmates received a handbook of internal regulations, which detail the standards for their living conditions.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The federal police are responsible for internal security and nationwide law and order. In 2010 the General Inspection Service examined 1,174 complaints against the police, primarily for violence and arbitrary detention, and subsequently forwarded two-thirds of these to the prosecutor's office. Of the complaints, six were for corruption and three for abuse of power. Civilian authorities maintained effective control over the federal and local police and the armed forces, and the government had effective mechanisms to investigate and punish abuse and corruption.

Arrest Procedures and Treatment While in Detention.—Under the constitution an individual may be arrested only while committing a crime or by a judge's order carried out within 24 hours. The law provides a person in detention with the right to prompt judicial determination of the legality of the detention, and the authorities generally respected this right. Authorities promptly informed detainees of charges against them and provided access to an attorney (at public expense if necessary). Alternatives to incarceration included conditional release, community service, probation, and electronic monitoring. There is a functioning bail system. According to 2010 figures, pretrial detainees made up approximately 35 percent of the total prison population. The average length of pretrial detention was 90 days.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All defendants are presumed innocent and have the right to be present, to be represented by counsel, to confront witnesses, to present evidence, and to appeal.

The law gives domestic courts jurisdiction over war crimes and crimes against humanity that occurred outside the country when the victim or perpetrator was a citizen or legal resident of the country.

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

Regional Human Rights Court Decisions.—Belgium is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). The government treated all ECHR decisions as binding.

On January 21, the ECHR released its judgment in a case concerning an asylum seeker who fled Afghanistan in 2008 to apply for asylum in Europe. He entered the EU via Greece and proceeded to Belgium, which in 2009 returned him to Greece,

his point of entry into the EU. The ECHR ruled that returning asylum seekers to Greece violated the European Convention on Human Rights and the seeker's right to an effective appeal. The ECHR asked Belgium to implement an effective appeals procedure and ordered it to pay 24,900 euros ($32,370) in compensation.

Civil Judicial Procedures and Remedies.—Individuals and organizations could seek civil remedies for human rights violations through the courts and appeal national-level court decisions to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and legal code prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Holocaust denial is a criminal offense, and in a high-profile case, Roeland Raes, a prominent member of the right wing Vlaams-Belang party, was found guilty of Holocaust denial; his appeal was rejected during the year.

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

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

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice. However, in October a police officer kicked a protestor in the face after he was arrested and handcuffed. The incident was recorded on video and posted to YouTube, prompting a review of police disciplinary procedures.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, including specific subsidiary protection that goes beyond asylum criteria established by the Geneva conventions.

Laws remained in place that facilitated residency permits for aliens who had become victims of an unduly long asylum application process. The law also covered undocumented aliens who lived in a precarious humanitarian situation or who could prove that they were integrated into local society, by having lived in the country for at least five years or by being gainfully employed for at least one year.

Regularization of legal status on the grounds of an unduly long application period, for urgent humanitarian reasons, or on medical grounds was granted to 24,199 applicants in 2010, compared with 14,830 the previous year. During 2010 the Federal Agency for the Reception of Asylum Seekers (FEDASIL) provided shelter to 1,081 unaccompanied foreign minors who requested asylum.

Safe Country of Origin/Transit.—Belgium signed and implemented the Dublin II Agreement, and following a court ruling, ceased transferring asylum seekers to Greece if it was the first EU country the asylum seeker entered.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In the high-profile case of Saber Mohammed, Amnesty International deemed his return to Iraq was not voluntary, but rather occurred under pressure from the authorities.

Refugee Abuse.—In 2010 authorities assigned 6,553 persons to closed centers, facilities that asylum seekers were not permitted to leave. The average stay in closed centers was 25 days. A new closed center intended to replace two older ones was under construction during the year. Public health and legal assistance are available on only a limited basis due to staffing shortages.

Temporary Protection.—The law allows authorities to grant "subsidiary protection" to individuals who might not qualify as refugees but who could establish that upon return to their home country, they would face the death penalty, torture, or other inhuman treatment.

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

The constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Voting in all elections is compulsory; failure to vote is punishable by a nominal fine.

Elections and Political Participation.—Recent Elections.—Federal elections held in June 2010 were considered free and fair.

Participation of Women and Minorities.—The constitution requires the presence of men and women in federal, regional, and local governments, and the law requires an equal number of male and female candidates on party tickets in European, federal, regional, provincial, and local elections. Failure to meet the requirement would nullify the elections and render any government thereby created illegal.

Following the 2010 federal elections, there were 59 women in the 150-seat federal Chamber of Representatives and 25 women in the 71-seat Senate (of the 40 directly elected senators, 17 were women). Five of the 23 federal cabinet ministers and state secretaries were women.

There are seven members of Moroccan and Turkish origin in the Chamber of Representatives and five in the Senate.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year, including a former minister-president of the Walloon region who admitted to pressuring a city to accept new invoices from a contractor.

Following up on 2009 recommendations, in August the Council of Europe's Group of States against Corruption (GRECO) published its Third Round Evaluation Report on Belgium. The GRECO report noted that Belgium only partially implemented four recommendations on corruption and implemented only one of 11 recommendations on transparency of political party funding. Specifically, the report highlighted the lack of an independent institution to control funding of the parties.

With some exceptions, such as material involving national security, the law provides public access to government information. The government respected this law in practice.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The government-sponsored Center for Equal Opportunities and Opposition to Racism (CEOOR) is responsible for promoting equal opportunity and combating all forms of discrimination, exclusion, or preferential treatment based on legally stipulated criteria. It also monitors respect for the fundamental rights of foreign nationals, observes the nature and scope of migration flows, and assists in antitrafficking efforts.

The center enjoys a high level of public trust, is independent in its functioning, and is well-financed by the government.

Government Human Rights Bodies.—Federal and regional government ombudsmen monitor and publish reports on the workings of agencies under their respective jurisdictions.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. The law identifies 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, birth, financial situation, religious belief, philosophical ori-

entation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color of skin, descent, national origin, and ethnic origin. A separate law governs gender discrimination in the workplace. Under a directive issued by the Board of Prosecutors General, police and prosecutors must cite racial motivation if present when reporting or recording offenses. In such instances the prosecutor must escalate the case (e.g., in a racially motivated crime, the charge would additionally include a hate crime offense).

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal, and the government prosecuted such cases. In 2010 the federal police registered 2,911 rapes, a slight increase from the previous year, and 3,432 indecent assaults. A convicted rapist may be imprisoned for a minimum of 10 years to a maximum of 30 years depending on such factors as the age of the victim, the difference in age between offender and victim, the relationship between the pair, and the use or absence of violence during the crime. In a July report relying on 2008 figures, U.N. Women highlighted the low sentencing rate in Belgium for rape and related crimes.

The law prohibits domestic violence and provides for fines and incarceration. In the first half of 2011, federal police registered the following complaints related to domestic violence: 10,655 complaints of physical violence between partners (21,891 in 2010), 75 for sexual violence (123 in 2010), 10,483 of psychological violence (20,812 in 2010), and 919 for economic violence between partners (1,778 in 2010). The Federal Institute for Equality of Men and Women coordinates a national action plan to combat violence between domestic partners. The 2010-14 national action plan focuses on forced marriages, violence linked to honor, and genital mutilation.

A number of government-supported shelters and telephone help lines were available across the country for victims of domestic abuse. In addition to providing shelter, many shelters assisted in legal matters, job placement, and psychological counseling to both partners. Reliable statistics on sexual harassment were not easily accessible since formal complaints could be filed with various entities. The law aims to prevent violence and harassment at work, obliging companies to set up internal procedures to handle employee complaints; the government generally enforced the antiharassment legislation.

Reproductive Rights.—The constitution provides for complete freedom in the way that persons organize their private lives, including the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs operated freely in disseminating information on family planning. There are no restrictions on the right to access contraceptives. Men and women received equal access to diagnosis and treatment for sexually transmitted infections. According to estimates compiled by international organizations, in 2011 there were approximately five maternal deaths per 100,000 live births in the country.

Discrimination.—Women have the same legal rights as men, including rights under family law, property law, in the judicial system, in labor relations, and in social welfare protection. The law also prohibits discrimination on the grounds of gender, pregnancy, or motherhood as well as sexual intimidation in labor relations and in access to goods, services, social welfare, and health care.

The Federal Institute for the Equality of Men and Women, responsible for promoting gender equality, may initiate lawsuits if it finds that equality laws have been violated. Most complaints received during the year were work-related and most concerned the termination of employment contracts due to pregnancy.

During the year the government continued implementation of the Gender Mainstreaming Act of 2007, which obliges authorities to address gender aspects in planning policy, collecting data, drafting budgets, awarding contracts, and drafting reports.

Economic discrimination against women continued. During the year the Federal Institute for the Equality of Men and Women released a survey (based on 2007 data) showing an average gap of 11 percent in the gross wages paid to men and women. The gap was 27 percent for white-collar and 16 percent for blue-collar workers. Taking into account part-time work, the overall wage gap was 25 percent. Data from the European Professional Women's Network indicated that women filled 11.1 percent of the positions on boards of directors of leading private companies compared with 7 percent in 2008. In June parliament approved a law requiring a one-third quota of women on all boards of public and publicly traded companies, but not private companies. The law was published in the national gazette on September 14, and subsequently went into effect.

Children.—Birth Registration.—The government registered all live births immediately, and citizenship is conferred on a child through the parents' nationality.

Child Abuse.—In the first half of 2011, the federal police registered 78 complaints of child abandonment (167 in 2010), 119 of neglect (256 in 2010), 90 of food deprivation (113 in 2010), and 2,065 involving physical, sexual, psychological, or economic child abuse within the family (3,686 in 2010). The NGO Child Focus reported handling 2,203 missing children and child abuse cases in 2010, a slight increase over 2009.

Sexual Exploitation of Children.—The law provides for the protection of youth against sexual exploitation, abduction, and trafficking and includes severe penalties for child pornography and possession of pedophilic materials. The penalties for producing and disseminating child pornography range from five to 15 years' imprisonment, and from one month to one year for possession of such material. The law permits the prosecution of residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children must receive specialized treatment before they can be paroled and must continue counseling and treatment after their release from prison. Child Focus handled 331 sexual abuse cases and continued its Internet-based public awareness campaigns during the year. In 2010 the group received 1,320 reports of child pornography on the Internet, a significant decline from the previous year, and forwarded such cases to specialized units of the federal police.

According to official figures, in the first half 2011, the federal police investigated 210 child pornography cases (387 in 2010). The trial of a lawyer who previously worked on the case of the child killer Marc Dutroux also ended in 2011. The lawyer was accused of illegal possession of child pornography. He received a 10-month suspended prison sentence.

The minimum age for consensual sex is 16. Statutory rape carries penalties of imprisonment from 15 to 20 years. If the victim is under the age of 10, imprisonment increases to 20 to 30 years.

In 2010 the federal prosecutor launched investigations into allegations of child abuse carried out over many years by Roman Catholic priests. Although the statute of limitations no longer allows criminal charges to be filed against the alleged perpetrators, the church in May agreed in principle to compensate some of those claiming to be victims.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The size of the Jewish community was estimated at 40,000 to 50,000. During the year there were 32 reports of anti-Semitic acts, including physical attacks and verbal harassment of Jews and vandalism of Jewish property. The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust.

In May Senator Jacques Brotchi, a neurosurgeon and federal senator, resigned from his position on the fundraising committee of the Free University of Brussels, citing anti-Semitism within the university including anti-Semitic comments in a student magazine. In September Brotchi stated that after meeting with the rector of the university, he believed the executive board was taking necessary measures to counter these incidents.

Anti-Semitic statements were observed in some private media outlets: In June an article published in a local circular in the beach town of Knokke included disparaging statements about the Jewish people as well as Israel. The anonymous author wrote, "It is no wonder that we do not love Jews, they consider themselves supermen like the Nazis." The city council of Knokke decided to remove the newsletter in question from publication after Belgian Jews and the Mayor of Knokke condemned the incident.

On November 18, in Brussels, a 13-year-old Jewish girl was assaulted physically and reportedly subjected to anti-Semitic epithets by five Belgian girls of Moroccan origin. The Belgian authorities immediately launched an investigation of the case.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law provides for the protection of persons with physical, sensory, intellectual, and mental disabilities from discrimination in employment, education, and access to health care and other state services. In 2010 the CEOOR noted an increase of complaints for alleged discrimination based on disability or health condition. The CEOOR received 319 complaints in 2010, compared with 255 in 2009. Most were employment-related and concerned access to private and public buildings and services, including public transport and access to banks, bars, and restaurants. While the government mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible because of preservation orders.

National/Racial/Ethnic Minorities.—The CEOOR and other NGOs reported that skin color and dress associated with Islam were the most important factors contributing to intolerance and discrimination, especially in the areas of housing, education, and employment. Muslim women who wore headscarves faced particular discrimination in professional-level employment. On July 23, a national ban on wearing the full-face veil in public places came into effect, and there have been three known instances of the ban being enforced. In the first, the husband of a woman wearing a full-face veil became upset and hit a police officer when police demanded she remove her veil to identify herself; in the second, the police issued a fine to two women wearing full-face veils in a courtroom. The women were there in conjunction with a lawsuit they had filed challenging the constitutionality of the ban; and in the third, on December 27 a woman wearing a niqab while shopping was stopped by the police, causing a physical altercation with the husband. Offenders may be fined 137.50 euros ($178) and face up to seven days in jail.

In 2010 most complaints received by the CEOOR concerned nationality and ethnic descent (42 percent), physical disabilities (18 percent), and discrimination on the grounds of religious and philosophical orientation (12 percent). Discriminatory acts primarily took place at work or over the Internet. The CEOOR deemed 22 percent of the complaints it received to be justified.

Data released by the Ministry of Justice indicated that in 2010 the courts dismissed 60 percent of cases of alleged discrimination based on ethnicity or sexual orientation.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—According to the CEOOR, 6 percent of all complaints it received in 2010 concerned discrimination based on sexual orientation (85 cases), most of which were work-related.

The CEOOR investigated violence and discrimination based on sexual orientation in 2010 and concluded that victims consistently filed only a limited number of formal complaints on these grounds. During 2010 only four complaints regarding sexual orientation were filed with the public prosecutor's offices. According to the CEOOR, the underreporting of violence and discrimination was due to feelings of shame on the part of the victim, fear of "victimization," a willingness to forget and be "above it," or the strong belief that filing a complaint would not change anything. As a result, in June the CEOOR launched a campaign to encourage LGBT victims of violence and discrimination to file complaints.

Other Societal Violence or Discrimination.—The CEOOR also received complaints of discrimination based on physical characteristics, political orientation, social origin, or status. Each of these categories accounted for approximately 1 percent of the total number. There were four cases of discrimination against persons with HIV/AIDS in 2010.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers the right to form and join independent unions of their choice without previous authorization or excessive requirements, conduct legal strikes, and bargain collectively. Workers exercised these rights in practice, with Belgian and non-Belgian workers enjoying the same rights. The law allows unions to conduct their activities without interference, and the government protected this right in practice. Work council elections are mandatory in enterprises employing more than 100 employees, and safety and health committee elections are mandatory in companies employing more than 50 employees.

The law provides for the right to strike for all private and all public workers, except for the military. The law prohibits antiunion discrimination and employer interference in union functions, and the government protected this right in practice. However, the International Trade Union Confederation (ITUC) noted in its 2011 survey of violations of trade union rights that it was concerned about repetitive attempts by employers in Belgium to restrict the right to strike through legal emergency actions.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. Women, men, and children from Eastern Europe, sub-Saharan Africa, and Asia were subjected to commercial sexual exploitation and forced labor. Female victims, including children, were engaged in prostitution in massage parlors, as escorts, and by means of the Internet. Male victims were forced to work in restaurants, bars, sweatshops, horticulture, and construction sites. Police and courts used appropriate legislation to combat economic exploitation.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and the government generally enforced these laws. The minimum age of employment is 15. Persons between the ages of 15 and 18 may participate in part-time work and study programs and work full time during school vacations. The Ministry of Employment regulates industries that employ juvenile workers to ensure that labor laws are followed and occasionally grants waivers for children temporarily employed by modeling agencies and in the entertainment business. In May 2010 a Belgian appeals court ruled that a mother should be allowed to beg with her own children since they were neither forced nor hired, despite the U.N. Committee for Children's request that Belgium forbid child beggars, with or without their parents.

d. Acceptable Conditions of Work.—The monthly national minimum wage was 1,443.54 euro (approximately $1,877) for workers 21 years of age, 1,481.86 euro ($1,927) for workers 21 1/2 years of age with six months of service, and 1,498.87 euro ($1,949) for workers 22 years of age with one year of service. The poverty income level in 2011 was 899 euros ($1,169) per month for a single adult.

The standard workweek is 38 hours, and workers are entitled to four weeks of annual leave. Departure from these norms can occur under a collective bargaining agreement, but work may not exceed 11 hours per day and 50 hours per week. An 11-hour rest period is required between two work periods. Overtime is paid at a time-and-a-half premium Monday through Saturday and at double time on Sundays. The Ministry of Labor and the labor courts effectively enforced these laws and regulations. The law forbids or limits excessive overtime. Without specific authorization, no employee can accumulate more than 65 hours of overtime during one quarter.

The Employment and Labor Relations Federal Public Service generally enforced regulations effectively. Inspectors from both the Ministry of Labor and the Ministry of Social Security enforced regulations on the labor market. These ministries jointly ensure that standards are effectively enforced in all sectors, including the informal sector, and that wages and working conditions are consistent with collective bargaining agreements. In addition to fines, poor working conditions may be reported as "trafficking in persons" cases. During the year there were 142 labor inspectors for 268,078 private companies responsible for the well-being of 3,739,760 workers. The average of one inspector per 26,188 workers is below the recommendation of one inspector per 10,000 workers from the Senior Labour Inspectors Committee (SLIC) of the European Agency for Safety and Health. In 2010 there were 178,499 work-related accidents, including 27,555 accidents on the way to and from work. There were 138 work-related deaths, including 56 on the way to and from work.

BOSNIA AND HERZEGOVINA

EXECUTIVE SUMMARY

Bosnia and Herzegovina consists of two entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The 1995 General Framework Agreement for Peace (the Dayton Accords) provides for a democratic republic with a bicameral parliament but assigns many governmental functions to the two entities. The Dayton Accords also provide for a high representative who has the authority to impose legislation and remove officials. In October 2010 the country held general elections that international observers deemed free and fair. As of year's end the country had not formed a government, although leaders reached an agreement to do so early in 2012. Security forces reported to civilian authorities.

Deep-seated ethnic divisions continued to foster widespread discrimination in most aspects of daily life, undermined the rule of law, distorted public discourse in the media, and obstructed the return of persons who were displaced during the 1992-95 conflict. Other significant problems affecting the country included poor conditions and overcrowding in prisons, and harassment and intimidation of journalists and civil society.

Other human rights problems in the country included deaths from landmines; mistreatment of prisoners; police failure to inform detainees of their rights or allow effective access to legal counsel prior to questioning; government corruption; discrimination and violence against women and sexual and religious minorities; discrimination against persons with disabilities; trafficking in persons; and limits on employment rights.

Both entities and the Brcko District maintained units that investigated allegations of police abuses, meted out administrative penalties, and referred cases of criminal misconduct to prosecutors. These units generally operated effectively and there were no reports of impunity during the year.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed arbitrary or unlawful killings. Domestic courts and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to adjudicate cases arising from killings during the 1992-95 conflict. The BiH Court War Crimes Chamber and entity courts continued conducting war-crimes trials during the year. By December, there were 17 convictions against 22 individuals at the BiH Court, with prison sentences totaling 182 years. There were also 12 appellate verdicts against 20 individuals with prison sentences totaling 252.5 years. Other courts in BiH completed 15 war crimes cases involving 20 individuals. During the year Ratko Mladic and Goran Hadzic, the last two major Bosnian Serb war crimes indictees wanted by the ICTY, were captured in Serbia and transferred to The Hague for trial.

In October a state-level court sentenced wartime RS Army Battalion Commander Momir Pelemis and Assistant Battalion Commander Slavko Peric to 16 years and 19 years in prison, respectively, for genocide for their roles in the massacre of an estimated 1,500 prisoners in Srebrenica in 1995.

Despite local and international efforts to prosecute war crimes, many lower-level perpetrators remained unpunished, including those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and those responsible for approximately 10,000 other persons who are missing and presumed to have been killed during the 1992-95 war. Implementation of the National Strategy for Processing War Crimes cases was slow, given the complexity of cases and the dearth of budget and personnel support extended to the state, entity, district and cantonal courts, and prosecutor's offices.

During the year 14 landmine accidents killed nine persons and injured 13. Two of the nine persons killed were deminers. For a second consecutive year, state-level lawmakers failed to allocate any money for demining as required under the country's 2009-19 Demining Strategy and 2010 Revised Annex VII (internally displaced persons [IDP] and refugee) strategy. According to the country's Mine Action Center, by year's end there were still some 11,000 active mine fields (an estimated 220,000 devices) endangering more than 900,000 residents throughout the country. In many cases the presence of landmines slowed return of IDPs and exhumation of mass graves.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, the Council of Europe's Committee for the Prevention of Torture (CPT) as well as other institutions reported that police physically mistreated individuals at the time of their arrest and during detention, and that detention facility staff at times physically abused prisoners.

In March the CPT published a report of its 2009 ad hoc visit to several prisons that it identified in 2007 as having problems. While the CPT identified some improvements since 2007, it found that fundamental measures required to improve the situation in prisons and other detention facilities had not been taken and repeated many of the criticisms in the report on its 2007 visit.

The CPT delegation documented a significant number of credible allegations of serious physical mistreatment of prisoners by the police and other law-enforcement officials, including kicking, punching, and blows with batons and baseball bats. The majority of reported incidents allegedly occurred during police questioning, sometimes for prolonged periods, prior to placement in holding cells or transfer to the prosecutor's offices. According to the CPT, there were several allegations that mistreatment aimed at forcing confessions is a frequent practice by crime inspectors at the Banja Luka Central Police Station. One person detained at that station claimed to have been handcuffed to a radiator for several hours and subjected to several charges from a hand-held electro-shock device. Many persons interviewed by the CPT delegation alleged that the right of notification of custody had been granted to them, and that they were permitted to contact relatives only after police questioning rather than immediately following arrest.

The Council of Ministers maintained an independent commission to monitor conditions at prisons and other facilities for incarcerating persons, including psychiatric centers. During the year the commission visited the psychiatric facility in Sokolac. It determined that conditions were extremely poor and the clinic was understaffed, especially lacking medical doctors. Among other problems, commission members ob-

served a patient bound to his bed because he was being "aggressive." Other patients alleged that he was drugged, as he wanted to speak with commission members about mistreatment he had experienced at the facility.

Prison and Detention Center Conditions.—The CPT and other credible authorities reported that unsanitary and unhygienic conditions in the country's prison and detention centers posed significant threats to the health of detainees. There were also significant problems with prisoner-on-prisoner violence or intimidation at Zenica and Foca prisons, and medical care was inadequate. For example, prisoners at the Sarajevo prison sometimes lacked on-call health services because prison administrators failed to replace the retired general practitioner during the previous year. During the year there were no reported deaths in the country's prisons and detention centers. Poor hygiene and antiquated facilities remained serious problems. Prisoners had access to adequate potable water.

During the year the Council of Ministers' commission monitoring conditions in prisons visited prisons in Zenica, Doboj, Tuzla, and Bihac. In its report, the commission documented substandard conditions and overcrowding in Zenica prison. The commission also received numerous complaints regarding poor health care in Zenica prison and recommended that the Federation Ministry of Justice allocate additional funding to improve the hygienic conditions in the prison's kitchen and ensure greater work opportunities for the prisoners. During prison visits from September through December, the country's human rights ombudsman witnessed several instances of unsanitary food preparation, including the presence of cockroaches in food served to prisoners at the Zenica prison.

Reporting on its 2009 visit, the CPT noted some progress at Zenica Prison since its 2007 visit. For example, there were no reports of mistreatment of prisoners by prison staff. However, in the Banja Luka Prison, prisoners alleged frequent mistreatment by prison officers. The CPT also noted improvement with regard to intimidation among prisoners and violence in Zenica Prison. During the year several ethnic Serb-minority prisoners were offered separate accommodations by the Zenica prison administration after several reported incidents of verbal abuse by other prisoners, but reportedly declined because they would lose work opportunities. There were also a number of allegations of intimidation among prisoners in Foca Prison. The ombudsman reported that verbal abuse of prisoners and visiting family members had generally become more of a problem than physical abuse in both entities' prisons.

As of December 31, there were 2,873 persons incarcerated in the country (1,819 in the Federation and 1,054 in the RS). The government estimated the total capacity of Federation and RS prisons at 2,942 persons. During the year construction of the first state-level prison for some 350 inmates began in East Ilidza. Meanwhile, prisoners convicted of state-level crimes remained incarcerated in entity prisons.

The ombudsman noted that both entities had decreased overall overcrowding during the year by expanding facilities in Tuzla and Foca to add capacity for some 200 inmates. However, the ombudsman observed that overcrowding remained a serious problem at the Sarajevo prison, where the ombudsman noted up to 26 prisoners held in two small rooms. By year's end prison authorities did not act on the ombudsman's recommendation to transfer all prisoners from the Sarajevo prison to the Igman correctional facility and to use the Sarajevo facility only as a short-term detention center. The CPT reported that in some cases juveniles were held separately in the same facility as adult offenders. There were no reports that women were incarcerated under conditions that were less favorable that for men.

The Council of Ministers' commission criticized conditions in the correctional facility for minors in Tuzla, particularly for failing to meet minimum education standards. The commission reported that children spent most of their time in locked rooms that were previously used as prison cells. The commission urged the government to relocate this facility as soon as possible.

In the women's prison the commission described the attitude of the prison management toward the prisoners as "totally unacceptable" and called on competent authorities to hold the prison director responsible. The commission observed that prison authorities did not adequately monitor the well-being of female inmates, permit them opportunities to discuss conditions with prison administrators, or provide them with opportunities to work.

Prisoners and detainees generally had access to visitors and were permitted religious observance. However, the Council of Ministers commission noted cases during the year where female inmates were not permitted family visitation, including a mother who was not permitted to visit with her two-year-old daughter. In a few instances prison administrators in the RS reported not having enough guards to escort Muslim prisoners to prayer rooms five times per day, as is customary under Islamic tradition.

During the year there were reports of delays by law enforcement agencies in keeping records of arrests prior to transfer of an arrested person to a prosecutor's office. There were also reports that medical staff in the prisons neither documented the injuries of prisoners in detail nor stated whether the injuries observed were consistent with any allegations of mistreatment made by the prisoner.

The law also allows detainees and prisoners to send their requests or complaints to the country's ombudsman, who has authority to advocate for the rights of prisoners, including juveniles, regarding status and circumstances of confinement, bail, overcrowding, and other conditions. In contrast to previous years, there were no reports that prison authorities failed to forward requests from inmates to the ombudsman. The law provides for the right of prisoners to communicate, file complaints, and expect expeditious resolution of violations. The ombudsman can also advocate on behalf of prisoners to improve pretrial conditions and recordkeeping to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. The ombudsman lacked authority to advocate for alternatives to incarceration for nonviolent offenders to alleviate overcrowding.

During prison visits in the RS in 2009, the CPT found that inmates could lodge complaints with prison staff, including the director, and also address the Ombudsman's Office. However, the CPT observed that there was no policy providing for the confidentiality of such correspondence. For example, in Banja Luka prison, the prisoners on remand had to hand over all correspondence to prison staff unsealed.

The CPT noted that, as of 2009, there appeared to be no comprehensive strategic approach for reforming the country's prison system to cope with the expected increase in the number of inmates and the more challenging profile of prisoners. The CPT also noted that each entity operates its prisons autonomously, while the State Ministry of Justice is responsible for the pretrial detention unit of the State Court.

The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. On April 15, a CPT delegation traveled to Bosnia and Herzegovina for the fifth time, visiting all major police stations, immigration detention centers, prison facilities, prosecutor's offices, psychiatric institutions, and social care homes; a report on the visit had not been released by year's end. The International Committee of the Red Cross (ICRC) continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The law extends significant overlapping law enforcement competencies to the state-level government, to each entity, and to the Brcko District, each of which has its own police force. An EU military force continued to support the country's government in maintaining a safe and secure environment for the country's population. NATO offices in Sarajevo continued to assist the country's authorities in the implementation of defense reform, counterterrorism, and cooperation with the ICTY. The EU Police Mission remained in the country to monitor the local police.

Civilian authorities maintained effective control over the security forces, and the government has effective mechanisms to investigate and punish abuse and corruption. While there were no reports of impunity during the year, there were continued reports of corruption within the entity- and state-level security services. Professional standards units are the internal affairs investigative units in each entity's interior ministry and in the Brcko District.

Arrest Procedures and Treatment While in Detention.—Police generally arrested persons openly with warrants based on sufficient evidence. The law provides that authorities inform detainees of the charges against them immediately upon first questioning.

The law requires police to bring suspects before a prosecutor within 24 hours of detention. During this period, police may detain individuals for up to six hours at the scene of a crime for investigative purposes. The prosecutor has an additional 24 hours to release the person or to bring the person before a judge who decides whether the detainee should remain in pretrial custody. There is a functioning bail system. The law allows detainees to request a lawyer of their own choosing; however, during the year, there were reports that the government did not always respect detained persons' right to prompt access to an attorney.

The RS government and five cantons in the Federation pay for an attorney if the defendant is indigent. Lacking laws on free legal assistance, indigent defendants in state-level courts and in six Federation cantons had to seek representation from nongovernmental organizations (NGOs) providing free legal services. The RS and

five Federation cantons provided attorneys employed by their justice ministries, which also employed the prosecutors trying the cases. Civil liberties groups criticized this conflict of interest. There were no reports that suspects were detained incommunicado, or held under house arrest. The law provides for the right to a speedy trial. The law generally limits pretrial detention to one year.

No cases of arbitrary arrest or detention were reported during the year.

The law provides for strict limitations on the duration of custody during both the pre-indictment phase and after confirmation of the indictment. In order for custody to be continued, the court must review the case at regularly prescribed intervals. The defendant has the right to appeal custody. These rights were respected in practice.

e. Denial of Fair Public Trial.—The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. Political parties and organized crime figures sometimes influenced the judiciary at both the state and entity levels in politically sensitive cases.

The court system suffered from large backlogs of cases and a lack of an effective mechanism to enforce court orders. Inefficiency in the courts undermined the rule of law by making recourse to civil judgments less effective. There was a backlog of nearly two million unresolved civil cases, more than one-half involving utility bills. Authorities estimated that 10 percent of the cases involved criminal matters. According to the 2008 report of the Center for Human Rights of Sarajevo University, more than 20 percent of decisions of the State Constitutional Court had not been implemented; the majority of the cases pertained to so-called "systematic failures" of government, such as problems concerning missing persons, old currency savings, and compensation for war damages.

Trial Procedures.—The laws of the Federation and the RS provide that defendants enjoy a presumption of innocence, but the law does not provide for trial by jury. The law provides for the right to counsel at public expense, if charged with a serious crime. However, courts did not always appoint defense attorneys where the maximum sentence was less than five years. The law provides defendants the right to confront witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their case, and to appeal verdicts, and these rights were generally respected in practice.

The BiH Prosecutor's Office continued to use plea agreements in some cases. The country has a national strategy for the prosecution of war crimes that foresees the prosecution of the most complex war crimes cases by 2016 and all other war crimes cases by 2024.

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

Regional Human Rights Court Decisions.—The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). The country complied with ECHR judgments requiring individual measures either through actual remedies or by submitting action plans for compliance to ECHR. However, it remained noncompliant with the ECHR's 2009 Sejdic-Finci judgment that the country's constitutional provisions on ethnic minorities running for certain elected offices violated the European Convention on Human Rights.

Civil Judicial Procedures and Remedies.—The law provides for individuals and organizations to seek civil remedies for human rights violations, and provided the right to appeal decisions to the ECHR. The government generally complied with domestic and regional court decisions pertaining to human rights.

Property Restitution.—The country's four traditional religious communities had extensive claims for restitution of property that was nationalized after World War II. In the absence of state legislation specifically governing restitution of nationalized properties, return of former religious properties continued on a case-by-case basis at the discretion of municipal officials; these officials rarely completed such restitution and usually did so in favor of the majority group in their particular municipality.

Many officials used property restitution cases to provide political patronage. In a few cases government officials refused to return properties legally recognized as belonging to religious institutions. During the year the governments did not undertake any activities to fulfill the June 2010 agreement to return the building that housed the University of Sarajevo's economic faculty to the Serb Orthodox Church, whose ownership of the building had been legally recognized before the 1992-95 conflict.

Roma displaced during the 1992-95 conflict had difficulty repossessing their property as a result of discrimination and because they lacked documents proving ownership or had never registered their property with local authorities.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—*Status of Freedom of Speech and Press.*—The law provides for freedom of speech and press; however, the government did not always respect press freedom in practice. Laws delegated safeguarding freedom of the press to the cantons in the Federation and to the entity-level authorities in the RS. Government respect for freedom of speech and the press did not improve during the year.

Freedom of Speech.—At times, the RS government used fines to dissuade political expression. In October, Banja Luka city authorities fined the NGO "Ostra nula" 1,400 convertible marks ($926) because the organization placed a banner stating "I Just Do Not Want to Leave This Place" at Banja Luka's central square. "Ostra nula" placed the banner to protest the fact that BiH did not have a new state-level government a year after general elections.

The Federation's criminal code prohibits hate speech. The RS criminal code does not specifically proscribe hate speech, although the law prohibits causing ethnic, racial, or religious hatred. In practice many media outlets used with impunity incendiary language, often nationalistic, on matters related to ethnicity, religion, and political affiliation. Independent analysts noted a tendency by politicians and other leaders to label unwanted criticism as hate speech. By year's end, the country's Communications Regulatory Agency (CRA) had not registered any cases of hate speech for the year.

Freedom of Press.—The independent media were active and expressed a wide variety of views but were subject to undue influence from government, political parties, and private interest groups. Media reporting continued to be divided along ethnic lines.

The CRA is charged with regulating all aspects of the country's electronic media (television and radio). Political pressures on the CRA continued, with politicians often alleging that the CRA lacked impartiality. The CRA's independence and effectiveness were further undermined by the failure of the Council of Ministers to confirm the appointment of a new CRA general manager and other legal hurdles. While the state-level public broadcaster, Bosnia and Herzegovina Radio and Television (BHRT), continued to have limited viewership, it ostensibly maintained an objective, nonpartisan editorial policy. In contrast, the two entities' public broadcasters, the most viewed television broadcasters in the country, continued to reflect views of the ruling parties in the respective entities. The steering boards of all three public broadcasters failed to establish a single steering board to oversee a unified public broadcasting system, as required by the law.

Pressures against the BHRT continued. On December 14, the president of the RS said it should be abolished, claiming that a state-level broadcaster was not in the interest of RS citizens and they should not be required to finance the BHRT.

On April 26, the Steering Board of the BHRT, whose members are approved by parliament, amended its charter to extend its supervisory function to include full editorial and managerial control over the BHRT. The Vienna-based representative of the Organization for Security and Cooperation in Europe (OSCE) on media freedom sent a letter to the BiH parliament warning that the changes undermined the broadcaster's editorial independence. Free Media Help Line noted in its end of year report that the new statute was being implemented since November.

In October the Steering Board replaced the BHRT's general manager for the third time despite numerous court rulings that this action was unlawful. The general manager pressed charges against the BHRT before the state-level court, asking for a temporary decision ordering his return to work. On December 15, the court rejected the general manager's demands for reinstatement. The case was under appeal at year's end.

Many privately owned newspapers were available and expressed a wide variety of views. A number of independent print media outlets continued to encounter financial problems that endangered their operation. The Press Council of Bosnia and Herzegovina, the organization responsible for self-regulation of online and print media content, registered eight cases of hate speech in print media and on-line media from May to October.

For the third consecutive year, the RS government provided direct budgetary support to a select group of media outlets by funding special projects without public tenders or defined criteria. While the RS government claimed that the money was available to all, those outlets that received financial support were far more likely to take a progovernment line and report less on and even ignore opposition activities.

Violence and Harassment.—During the year there were credible reports of intimidation of and politically motivated litigation against journalists for unfavorable reporting on government leaders. The Free Media Help Line (a part of the Bosnia and Herzegovina Journalists Association) registered 52 cases involving violations of journalists' rights and freedoms or pressure from government and law enforcement officials, and there were 16 cases of pressure on and threats against journalists , including one death threat and four physical attacks. Other cases involved denial of access to information and violation of employees' rights. Several incidents reported during the year involved violence against journalists or possible attempts to intimidate the media. In some cases, these pressures resulted in self-censorship by media.

As of year's end, FTV's former news director, Duska Jurisic, who was fired in January 2010, reached a settlement with the public broadcaster that had not complied with several court orders to reinstate her. Many media analysts asserted her firing was a response to her independent reporting on a variety of political and social topics in recent years. Jurisic moved to a different media outlet, and FTV agreed to pay her back pay in accordance with earlier court rulings.

Censorship or Content Restrictions.—Some political parties, through public companies they control, used advertising and other mechanisms to pressure media outlets that published items counter to their interests, indirectly censoring the media and influencing the editorial polices of some media outlets. As a result, some media outlets practiced self-censorship.

In some instances media sources reported officials threatened media outlets with loss of advertising or limited their access to official information. Politicians and government officials also accused media outlets of opposing a given ethnic group or betraying their own ethnic group.

Libel Laws/National Security.—Defamation laws exist at the entity-level. However, the government, including the courts, did not fully implement these laws in practice.

During the year, the Press Council considered 96 complaints related to print and online media, accepting 29 as valid and rejecting 28 as unfounded. In 32 cases, media outlets published a refutation or a retraction, in accordance with the council's policy of self-regulation and mediation. In five cases, the Press Council gave instructions for further complaint procedures, and two cases were still ongoing. Most of the complaints accepted by the council involved allegations that print media outlets denied persons the right to respond to reports and articles that they considered false or defamatory. One lawsuit for defamation was dismissed through the Press Council's mediation. According to local media analysts, the level of pressure against the Press Council remained unchanged during the year.

In August RS President Milorad Dodik won defamation court cases against three FTV employees in the Banja Luka Basic Court. The court ordered the employees to pay Dodik compensation of 5,000 convertible marks ($3,310) for mental anguish and damage to his reputation from a story broadcast on FTV's show 60 Minutes in 2008.

In May the Association of BiH Journalists, the Free Media Help Line, and the BHRT's editorial board strongly condemned alleged efforts by BHRT Steering Board Chairman Ahmed Zilic to pressure Benjamin Butkovic, acting editor of BHRT News Programs, to influence Butkovic's story on changes to the BHRT's Charter demanding that only his statements and position on the issue be presented in the story. Zilic denied the claims.

In October the Sarajevo Cantonal Minister of the Interior ordered a criminal investigation against the Sarajevo-based magazine Slobodna Bosna following the magazine's reporting on the minister's alleged involvement in questionable businesses. In his written instructions to the police, the minister justified the investigation by citing "the need to protect the reputation of the ministry and the legality of its work." After the Association of BiH Journalists publicly protested the investigation as a misuse of the criminal code, the minister claimed that he had initiated the criminal investigation against himself and not the magazine.

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

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events; however, ethnic favoritism and politicization of faculty appointments constrained academic freedom. In Sarajevo, Serbs and Croats complained that Bosniaks received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka and the University of East Sarajevo continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into two separate universities, reflecting the continued ethnic divide in the city. Parochial interests influenced the remaining five public universities in Bosniak-majority areas.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice, although some NGOs reported difficulty in registering. While the law allows NGOs to register freely, some NGOs and NGO associations experienced long delays and inconsistent application of the law. Some NGOs, frustrated by delays at the state level, chose instead to register their organizations at the entity level.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights; however, some limits remained in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Internally Displaced Persons (IDPs).—According to the UNHCR, an estimated 113,365 registered displaced persons were in the country at the end of 2010. Most sought return to their prewar places of residence from which they were displaced by the 1991-95 wars in the former Yugoslavia. According to the UNHCR, during the first six months of the year, 323 displaced persons returned to places of origin in which their ethnic group constitutes a minority. Government officials and some NGOs, however, believed that the total number of persons who returned to their prewar communities after the war was significantly lower, since the UNHCR determined returns based on property restitution rather than physical presence.

The high unemployment rate, lack of access to social benefits, lack of available housing, and high municipal administration taxes on documents that were necessary for accessing reconstruction assistance for return continued to inhibit returns. Minority returnees often faced discrimination in all areas of daily life including access to health care, pensions, public sector employment, and other forms of social protection.

The RS, the Ministry for Refugees and Displaced Persons, and the Federation Ministry for Refugees provided support to returnees, such as limited reconstruction assistance. These ministries also committed part of their budgets towards joint projects determined by the State Commission for Refugees. In some cases the entity ministries cooperated closely with each other and contributed matching funds for improving living conditions of ethnic minority returnees, such as a joint agricultural-assistance project for Bosniak returnees in the RS city of Visegrad and ethnic Serbs in the Federation city of Mostar.

Minority returnees often faced intimidation and complained of discrimination in hiring, and obstructions in their access to education, health care, and pension benefits, as well as poor infrastructure.

A trend of attacks directed against religious sites and objects of minority groups continued to affect returns. Many returnees cited the authorities' failure to apprehend war criminals as a disincentive to return. Many displaced persons created permanent lives away from their prewar homes, and only individuals with few other options (including a large number of elderly pensioners) tended to return.

There were no legal restrictions for IDPs to access humanitarian organizations and assistance, but the procedures to apply were complicated, and some IDPs often could not afford to pay for all the costs associated with an application for assistance. There were also widespread corruption and clearly established divisions along ethnic lines in the criteria for selection of beneficiaries.

The country's constitution and laws guarantee the voluntary return or resettlement of IDPs, consistent with the U.N. Guiding Principles on Internal Displacement. Throughout the year the entity governments together spent an estimated 27

million convertible marks ($17.9 million) to facilitate the return or local integration of IDPs and refugees from the 1991-95 war in former Yugoslavia. Both entity ministries for refugees and IDPs provided matching money to and cooperated closely with the international community in constructing social housing and providing small agricultural assistance to support the sustainable return or local integration of approximately 100 IDP families during the year. However, by year's end the state-level government had failed to allocate any funds, mainly due to the failure to form a state-level government more than a year after the country's 2010 general elections.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Asylum seekers with pending claims, regardless of national origin, may remain in asylum centers until the Ministry of Security adjudicates their claims, a process which normally took three months, although in some cases longer. In urgent cases concerning manifestly unfounded claims, the process took 15 days. Asylum seekers have the right to appeal a negative decision within 60 days in regular procedure and within eight days in urgent procedure. In cases handled by urgent procedure, the court is required to render a decision within 30 days.

Nonrefoulement.—The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion. The Law on Movement and Stay of Aliens and Asylum provides for the application of the concept of "safe country of origin," and claims of asylum seekers coming from a "safe country of origin" are considered to be unfounded. Under the law, an asylum applicant must prove that the country is not safe for him/her. However, the Council of Ministers has not issued a decision on the "safe countries of origin."

During the year, 13 Afghans and two Sudanese who illegally crossed into the country from Serbia were detained in the country's immigration center and then returned to Serbia. According to government sources, none of them sought asylum, though it is unclear if they were informed of their rights under the country's asylum procedures. There were reports that asylum seekers from Kosovo were routinely denied, exposing persons who were entitled to international protection to a risk of refoulement.

Safe Country of Origin/Transit.—Asylum seekers do not have the right to employment unless the government grants them asylum.

Durable Solutions.—On November 7, the country signed a UNHCR-facilitated Regional Refugee Agreement (along with Serbia, Croatia, and Montenegro) in which the government agreed to find durable solutions for up to 6,000 refugees from other former Yugoslav countries. By year's end the country's law still lacked conditions for facilitated naturalization of refugees and stateless persons. All refugees had health insurance, and all those staying outside the Reception Center received social welfare assistance. However, a systematic local integration program had yet to be developed.

Temporary Protection.—During the year the government did not grant temporary protection to any individuals not considered to qualify as refugees. The government extended subsidiary protection to three individuals from Kosovo for another year.

Stateless Persons.—The law provides that a child born to one or two parents who are citizens of the country is also a citizen, regardless of the place of birth. A child born on the territory of the country to parents who are not Bosnian citizens does not gain citizenship unless both parents are stateless persons.

According to the UNHCR, 3,000 to 5,000 persons, the large majority of them Roma, were at risk of statelessness at the end of the year. This figure included persons lacking birth registration as well as persons at risk of denaturalization (largely those who were naturalized during the country's 1992-95 conflict). According to the country's Ministry of Civil Affairs, during the year 170 individual naturalization decisions were reviewed; 40 of them resulted in de-naturalization. There were no reported instances of statelessness among this group during the year.

While the law provides no special provisions to expedite naturalization for stateless persons, it provides stateless persons opportunities to gain nationality on a nondiscriminatory basis. Stateless persons apply for naturalization through the same procedures as other foreigners.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic multiparty elections based on universal suffrage.

Elections and Political Participation.—Recent Elections.—Observers from the OSCE concluded that the October 2010 general election largely was conducted in line with international standards but noted problems, including deficiencies in the registration process, group voting, and irregularities in the counting process. The OSCE observation mission noted that private media, particularly print, tended to favor certain candidates. Smaller parties complained about systematic underexposure in the media. On December 28, political leaders reached a deal to form a new Council of Ministers, but work on implementing that decision would continue into 2012. At year's end, political leaders failed to form a new government in one canton, leaving officials whose party had lost representation in office on a "technical mandate."

Nationalist rhetoric from leaders of all ethnic groups dominated political exchanges. In particular Serb politicians regularly called into question the validity and existence of the state of Bosnia and Herzegovina and threatened to call a referendum in the RS to secede from the state.

Participation of Women and Minorities.—The law requires that at least 30 percent of political party candidates be women. Eight of 42 members of the state-level House of Representatives were women. There were no women in the nine-member Council of Ministers, although there were two female deputy ministers. At the entity level, women held three of 23 leadership positions in the Federation, including one ministerial position, one speaker position, and one deputy speaker position in parliament. Following the 2010 elections, 19 women were elected to the Federation House of Representatives and 14 to the Federation House of Peoples. In the RS two of 16 ministers and one deputy speaker in parliament were women. As of August women comprised 31 percent of the delegates in the RS National Assembly, 30 percent of RS government ministers, and 5 percent of RS mayors.

The law provides that Serbs, Croats, Bosniaks, and "others" must be adequately represented in entity, cantonal, and municipal government institutions, based on the 1991 census, until the returns process detailed by the Dayton Accords is completed. However, the government did not respect this law in practice. In addition to the three constituent peoples, there were 16 recognized national minority groups. Minorities not regarded as "constituent peoples" under the country's constitution remained severely underrepresented in government. There were no members of a minority group in the parliament and only one member in the Council of Ministers.

Section 4. Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt actions with impunity.

Candidates for certain public offices, including seats in parliament at the state and entity levels and members of the Council of Ministers and entity governments, are subject to financial disclosure laws. The Central Election Commission is responsible for ensuring compliance with these laws.

On June 27, the Cantonal Court in Mostar acquitted a former member of the country's tripartite presidency, Dragan Covic, and six others of corruption charges in connection with the privatization in 2005 of Eronet, the cellular-service subsidiary of the country's third-largest telecommunications company (HT Mostar). Covic, then-Federation minister of finance and chairman of the HT Mostar Steering Board, and six board members had been charged with illegally transferring Eronet shares. In a separate case dating to 2000, Covic was indicted on June 29 for using his position as then Federation minister of finance to remove customs duties on the import of raw meat to boost profits of the Lijanovici food company.

Although the law provides for citizen access to government records, many government agencies did not comply. Under the law, the government must provide an explanation for any denial of access, and citizens may appeal denials in the court system or to the ombudsman's offices. In practice the government sometimes failed to provide the required explanation for denial of access unless citizens appealed to the ombudsman, the courts, or legal aid. Public awareness of the law remained low.

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

A variety of human rights groups and NGOs generally operated without restriction, investigating and publishing their findings on human rights cases. However, government officials were often inefficient and slow to respond to their views.

During the year NGO advocacy activities became more diverse, using methods such as policy papers, public announcements, and street actions. NGO participation in decision-making processes was case by case. Both the government and the NGO sector lack sufficient knowledge about the existing mechanisms for NGO participation. The Council of Ministers has the right to return any legislative draft which did not go through the NGO consultation process, but to date has not used this mechanism. NGOs largely were excluded from decisions of greater political importance or sensitivity. NGOs continued to establish greater cooperation with the government at lower levels. In addition to the existing Agreement on Cooperation signed by the Council of Ministers, more than 80 municipalities and three cantons drafted and signed agreements with local NGOs by year's end.

According to a survey supported by the EU Commission, 13,000 NGOs were registered in the country. Financial viability remained the most challenging obstacle to civil society overall, as the more nonpolitical organizations not seen as threats to governing parties received support from local governments. Registration and the procedure to change an organizational statute took significantly longer than prescribed by legislation due to official inefficiency.

U.N. and Other International Bodies.—The government generally cooperated with the ICTY, complying with investigations and handing over indicted suspects. The two remaining ICTY fugitives, Ratko Mladic and Goran Hadzic, were both captured during the year in Serbia, and their ICTY proceedings began.

The state-level government cooperated fully with international organizations, such as the Office of the High Representative, which has special powers over the government, as well as other international organizations, such as the ICRC, the International Commission on Missing Persons, and the OSCE. However, the RS government was less responsive and cooperative than were the state-level and Federation governments.

Government Human Rights Bodies.—The state-level ombudsman is a functional institution with authority to investigate violations of the country's human rights laws on behalf of individual citizens and to submit recommendations to the government for remedy. The ombudsman's recommendations are not legally binding.

The state parliament has a Joint Commission for Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum, and Ethics, consisting of members of both houses of parliament. The 11-member commission participated in human-rights-related activities with governmental and nongovernmental organizations.

Public support mechanisms and regulations were underdeveloped. Instead of following set guidelines and criteria, government commissions that allocated public-benefit funds seemed to base many of their decisions on political interest and allocated large percentages of funds to predetermined beneficiaries such as religious communities, sports organizations, and veterans associations. The methods of allocation remain nontransparent and subject to corruption.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce these prohibitions effectively.

Women.—Rape and Domestic Violence.—Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years' imprisonment. A sense of shame reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness.

Violence against women, including domestic violence and sexual assault, remained widespread and underreported. According to NGO estimates, one third of the women in the country were victims of domestic violence. Both entities have laws that require police to remove an offender from the family home. However, NGOs reported that authorities, especially in the RS, where domestic violence is a misdemeanor, often returned offenders to their family homes less than 24 hours later. In the Federation authorities have discretion to prosecute domestic violence as either a felony or misdemeanor. Experts estimated that only 10 percent of victims of domestic violence reported the crime. Although police received specialized training in handling cases of domestic violence, NGOs reported a widespread attitude among police in both entities against "breaking up families" by arresting offenders. Two hotlines operating throughout the country provided assistance to victims. There were several

shelters throughout the country for victims of domestic violence, many of who received financial and other material support from the government during the year. Many of these shelters doubled as shelters for trafficking victims.

Sexual Harassment.—The law prohibits sexual harassment, but it was a serious problem. Many NGOs reported that women experienced sexual harassment, but victims almost never filed complaints because they did not recognize their experiences as harassment and were not aware of their legal rights.

Reproductive Rights.—Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children, and had the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth. Most women had access to prenatal and postpartum care through employer or government insurance. However, insurance costs for self-employed women were often prohibitive, and the actual amount of benefits provided to unemployed mothers often varied according to canton or municipality.

Discrimination.—Women have equal legal status to men, and authorities treated women equally in practice. The government's Agency for Gender Equality worked to inform women of their rights. Women and men generally received equal pay for equal work at government-owned enterprises, but there were reports that the same was not true at private businesses. Women in all parts of the country had problems with nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria, such as age and physical appearance, for female applicants. Women remained underrepresented in law-enforcement agencies, although there was continued progress. The state- and entity-level parliaments had committees for gender equality.

Children.—Birth Registration.—By law a child born to one or two parents who are citizens of the country is also a citizen, regardless of the place of birth. A child born on the territory of the country to parents who are not citizens of the country does not gain citizenship unless both parents are stateless persons.

During the year the UNHCR, through a local legal-aid NGO, registered the birth of children, mainly Roma, whose parents failed to register them as required by law. The NGO Vasa Prava estimated there were approximately 2,000 unregistered children in the country. Unregistered children experienced significant obstacles in accessing social, educational, and health benefits.

Education.—While education is free and compulsory through the age of 15, schools required parents to pay for books, lunches, and transportation, causing some children to drop out. A lack of reliable monitoring hindered efforts to ensure that children receive an education. The law requires children with special needs to attend regular classes, but schools were often unable to accommodate them.

During the year students in areas where they were in the minority frequently faced a hostile environment, and in some areas local officials and parents sought to establish complete physical segregation based on ethnicity. Obstruction by nationalist politicians and government officials slowed efforts to abolish school segregation and enact other reforms. The country's Romani council estimated that less than 30 percent of Romani children attended school regularly.

Child Abuse.—Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. Some NGOs estimated that one family in four experienced domestic violence. Municipal centers for social work protected children's rights, but lacked resources and housing for children fleeing abuse or those whom they needed to remove from abusive homes.

Child Marriage.—In certain Romani communities, girls married between the ages of 12 and 14. The government did not have any programs aimed specifically at reducing the incidence of child marriage. According to UNICEF statistics, 6 percent of women were married or in union before they were 18 years of age.

Sexual Exploitation of Children.—Entity-level laws against "enticement to prostitution" permit police to treat minors 14 years and older as "juvenile prostitutes" instead of victims of rape or trafficking in persons. Women's and children's rights NGOs complained that the law allows police to subject children who are 14 to 17 years old to interrogation and criminal proceedings, although no such prosecutions were documented during the year. Under entity criminal codes, abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years' imprisonment.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were no reports of anti-Semitic violence against members of the Jewish community, which is estimated to be less than 1,000 persons. The Jewish community reported that some anti-Semitic language critical of Israel has been occasionally posted on various Internet forums. The community described those comments as more anti-Israeli rather than anti-Jewish. During the year the government lacked a framework for stopping such comments.

During the year many public and private schools continued using religious-education textbooks containing insensitive language that reinforced anti-Semitic attitudes. For example, the standard Serb Orthodox textbook (Pravoslavna Vjeronauka, Banja Luka, 2010) authorized by the RS Ministry of Education for sixth graders asserted that Jews "cursed themselves" by condemning Jesus and persecuting early Christians and that Jews were later persecuted as God's punishment. In the study questions, students are asked to explain why was "God's wrath leveled at the Jews?" Independent observers also criticized this textbook and those used by other communities in the Federation for inadequate treatment of Jewish history and the Holocaust and for missing other opportunities to combat anti-Semitism and ethnoreligious stereotypes.

The country's Jewish community and Inter-Religious Council registered no desecrations of Jewish sites.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law in both entities prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. However, there was discrimination against persons with disabilities in all these areas.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. Persons with disabilities resulting from service during the 1992-95 conflict were given a privileged status above civilian war victims and persons who were born with disabilities.

The Federation's law mandates that all public buildings must be retrofitted to provide access to persons with disabilities and new buildings must also be accessible by mid-2011. However, buildings were rarely accessible to persons with disabilities in practice. Several government buildings, including the Federation government and parliament buildings, were not in compliance with the law. The RS had comparable laws for public access, but few older public buildings were accessible.

At year's end an estimated 1,900 persons with varying degrees of intellectual disabilities were institutionalized, although a growing number of programs for children with disabilities were available in schools. During the year an estimated 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available. The Federation government also continued a pilot program during the year for assisted living in Tuzla, which included 20 persons with intellectual disabilities. As of year's end no such programs existed in the RS.

During the year there was little progress in improving conditions for persons with disabilities. Experts noted that throughout the country entitlement to benefits for disabled persons is not based on needs. Consequently, certain categories of persons with disabilities did not receive adequate financial benefits. Federation authorities adopted the Strategy for Persons, while the RS, implemented its own strategy.

In the Federation the Institute for Medical Disability Status Classification, staffed by medical professionals and overseen by five relevant Federation ministries in cooperation with an advisory NGO, determined the severity of each person's specific disability and level of assistance needed. In the RS, the government social workers in the Center for Social Welfare under the entity Ministry of Health and Social Welfare evaluated persons for disabilities and assistance.

National/Racial/Ethnic Minorities.—Ethnic differences remained a powerful destructive force in society, although mixed communities existed peacefully in some areas.

Harassment and discrimination against minorities, often related to property disputes, continued throughout the country. These problems most often included desecration of graves, graffiti, arson, vandalism of houses of worship and other religious sites, verbal harassment, dismissal from work, threats, and physical assaults.

By November the country's Inter-Religious Council documented 56 acts of vandalism against religious sites over the previous year, 30 in the RS, and 26 in the Federation. Most attacks occurred in places where the targeted community was in the minority. There were 28 attacks against Islamic sites, the overwhelming number of which occurred in the RS. There were 17 recorded attacks against Serb Orthodox

sites in the Federation, and nine reported attacks against Catholic sites, which were more frequent in the Federation. The Council's report noted that police apprehended perpetrators in 30 of the 56 cases. The Council documented one religiously motivated physical assault against an imam in Gacko in the Federation, and verbal harassment of an Orthodox priest in Gracanica in the Federation and an imam in Dubica in the RS.

During the year some RS politicians expressed support for indicted war criminal Ratko Mladic following Mladic's arrest in May. Kalinovik mayor Mileva Komlenovic publicly criticized "burdening" Mladic, whom she lauded for his "moral, human, and professional qualities." Vinko Radovanovic, the mayor of East Sarajevo, told reporters that Mladic was no more guilty than any other wartime general from any army. Democratic People's Alliance president Marko Pavic decried the arrest of his former commander. Mladen Bosic, president of the Serb Democratic Party, attended a rally in Banja Luka on May 31 in protest of Mladic's arrest.

Ethnic discrimination in employment and education remained key problems. In most cases employers did not reverse the widespread firing of members of ethnic minorities during and after the 1992-95 conflict, and employers often hired members of the local ethnic majority over minorities. Human rights activists noted many textbooks that reinforced stereotypes about the country's ethnic groups and others that missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma. State- and entity-level officials generally did not act to prevent such discrimination.

An estimated 80,000 to 100,000 Roma were in the country. Some Romani leaders reported an increase in Romani emigration from the country and asylum-seeking abroad during the year due to discrimination in access to social benefits. Roma experienced serious difficulties in enjoying the full range of fundamental human rights provided to them under the law. The Roma Information Council estimated that only 1 percent of the working-age Romani population were employed and indicated that employers usually downsized Roma first during a reduction in force. Many Roma lacked birth certificates, identification cards, or a registered residence, preventing them from accessing health care and public education services or registering to vote. Many human-rights NGOs criticized law enforcement authorities for widespread indifference toward victims of domestic violence and human trafficking in the Romani community.

In April, "Kali Sari," a Roma Decade watchdog NGO, released a report that noted substantial progress in improving the status of the country's Roma population. The report noted the government's programs for improving Romani employment, housing, and health care, as well as for completing a census of Roma, creating a database documenting the needs of Roma, and adopting a new Romani education action plan. However, the report criticized the government for excluding Roma from the decision-making process for allocating assistance to the Romani population. Romani human-rights leaders complained about the lack of transparency in awarding government contracts and allegations of corruption in implementing Roma Decade programs. By year's end the government failed to appoint a national coordinator for Roma Decade implementation.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—While the law prohibits discrimination on the basis of sexual orientation, it was not fully enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender (LGBT) persons.

Gays and lesbians faced frequent harassment and discrimination, including termination from employment. In some cases dismissal letters explicitly stating that sexual orientation was the cause of termination made finding another job extremely difficult. The EU Commission Progress Report during the year found that physical attacks and harassment of LGBT persons continued and that no government official condemned such acts.

During the year LGBT activists faced threats, harassment, and other hate speech by media and politicians. On November 17, a talk show on Sarajevo-based PINK BIH TV ran a segment called "Change of Gender—Body as a Trap" on a talk show that highlighted text messages from viewers calling for discrimination and violence against transgender and transsexual persons. PINK BIH TV did not distance itself from the messages' content, causing several human rights NGOs to file a complaint to CRA for violation of the broadcasting code. By year's end, the CRA took no action in response.

On November 22, daily Fokus based in Banja Luka published a commentary by RS Vice President Emil Vlajki titled "Film 'Parade': Prostituted Ideological Manipulation," in which Vlajki criticized a movie on gay rights and characterized the LGBT community as "garbage" and LGBT culture as "vulgarization of one's own private life."

Other Societal Violence or Discrimination.—There was significant social stigma and employment discrimination against persons with HIV/AIDS, and a general lack of awareness of HIV/AIDS. The government lacked properly trained counselors and a systematic method of referring those with HIV/AIDS to outside counseling and often relied on periodic, informal requests from the NGO Apoha to relay the contact information to those who had been recently diagnosed with HIV/AIDS. During the year the Inter-Religious Council, composed of all four of the country's major religious communities, carried out a public campaign against prejudice against persons with HIV/AIDS.

Promotion of Acts of Discrimination.—On February 8, the European Commission against Racism and Intolerance published its report on Bosnia and Herzegovina. The report also noted several areas for improvement in the country including a continued fostering of and manipulation of ethnic divisions in the country by political actors and parties in the country. Police are often reluctant to investigate crimes against minorities. The report noted several improvements in the country, including education reforms making democracy and human rights compulsory subjects in the country's schools and tougher laws regarding hate crimes. The report also noted a significant effort by authorities to register Roma and foster inclusion.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers in both entities (including migrant workers, but excluding members of the military) to form and join independent unions without previous authorization or excessive requirements. In both entities and the Brcko District, the law provides for the right to strike; however, in the Federation, the law has burdensome requirements for workers who wish to conduct a strike. In the Federation trade unions cannot officially announce a strike without first reaching an agreement with the employer on which "essential" personnel would remain at work. If no agreement is reached, then the strike can be declared illegal. This effectively allows employers to prevent legitimate strikes. The law provides for the right to bargain collectively and to conduct union activities without interference. Antiunion discrimination is prohibited.

In practice, workers exercised their right to join a union and bargain collectively. Unions were generally independent from the government.

In both entities general collective agreements, wherein the minimum wage and other conditions of work are fixed, were negotiated by the respective governments and representative organizations of employers and workers. A number of private employers refused to recognize these agreements. Workers' and employers' organizations were not skilled in collective bargaining. Labor authorities in the Federation noted that employers and workers often did not fully analyze whether such agreements were financially sustainable when they were signed.

The country's laws against discrimination gave legal protections to ethnic minorities. In practice, minorities, particularly Roma , faced discrimination in hiring and employment benefits.

Antiunion discrimination was widespread in both entities and the Brcko District. The labor inspectorates and courts did not deal effectively with complaints of antiunion discrimination by employers although Federation and RS courts have often ruled in favor of workers in union-related disputes. The government did not impose fines on employers who prevented workers from unionizing, a practice that was becoming more prevalent as private sector businesses replaced former state-owned enterprises that had a traditional union culture. While there are no legal or technical barriers preventing an employee from bringing a complaint against an employer, high unemployment coupled with fear of losing one's job, a backlogged court system, and the lack of legal protection for the approximately 20 percent of the labor force working in the unregistered gray economy were disincentives to filing complaints.

The International Labor Organization criticized the government for not allowing the Trade Union of Bosnia and Herzegovina, representing approximately 260,000 workers primarily from Federation government-owned enterprises, to register as a union at the state level since 2002. Lack of formal recognition blocked the union from engaging in social dialogue on problems pertaining to state-level competencies with partners. Moreover, authorities did not impose sanctions against employers who obstructed workers from organizing. Worker rights violations continued to be a lower priority for ministry inspectors, as state officials instead focused on bolstering state revenues by cracking down on unregistered employees and employers that did not pay taxes. Some unions reported that employers threatened employees with dismissal if they joined a union and have in some cases fired union leaders for their activities.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, including by children; however, the government at times did not enforce these laws effectively. There were reports that individuals and organized crime syndicates sometimes trafficked women and children for begging and forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—Trafficking in children for labor and begging was sometimes a problem. Organized begging rings exploited Romani children in particular, of whom more than half of the entire community were under the age of 14 and did not attend school. Children also sometimes assisted their families with farm work and odd jobs or worked in small family-owned shops.

The minimum age for employment of children in the Federation and the RS is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. The law prohibits children from performing hazardous labor. In the Federation, the law prohibits minors from night work except in exceptional circumstances.

Entity governments are responsible for enforcing child labor laws. Both entities and the Brcko District enforced child labor laws in practice. During the year the government neither received nor investigated any reports of child labor. Neither entity had inspectors dedicated to child labor inspections, and authorities investigated violations of child labor laws as part of a general labor inspection. Both entities' labor inspectorates reported that they had not found significant violations of child labor laws, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The monthly minimum wage in the Federation was 343 convertible marks ($227). In the RS, the monthly minimum wage was 370 convertible marks ($245) except in the textiles and footwear sectors where it was 320 convertible marks ($212). The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of whichever entity to which its workers decided to direct their pension funds.

The legal workweek in both entities and the Brcko District is 40 hours; however, seasonal workers may work up to 60 hours per week. The law limits overtime to 10 hours per week in both entities; the Federation has no provision for premium pay, while the RS requires a 30 percent premium. A 2010 study found that employers routinely denied workers overtime and sick leave in the private commercial sector in both entities and the Brcko District, particularly those employed in large shopping malls. An employee in the RS may volunteer for an additional 10 hours in exceptional circumstances. Federation and RS laws require a minimum rest period of 30 minutes during the workday. The entities and the Brcko District did little to enforce regulations on working hours, daily and weekly rest, or annual leave, and these protections were generally believed to be lacking. Entity labor laws prescribe a maximum overtime of 10 hours per week and prohibit excessive compulsory overtime. The law also sets mandatory occupational health and safety standards, especially for those industry sectors where there are hazardous working conditions for workers. Employers in each entity and the Brcko District must provide a minimum of nine paid annual holidays. People can choose which holidays to observe depending on ethnic or religious affiliation.

The Federation Market Inspectorate, RS Inspectorate, and the Brcko District Inspectorate are in charge of enforcement related to work conditions. There were 79 market inspectors in the Federation, 41 in the RS is 41, and 11 in Brcko. Authorities in both entities and the Brcko District did not adequately enforce regulations related to acceptable work conditions. While labor inspectorates made some effort to enforce registration of employees, they limited most inspections to conditions affecting the officially registered workforce. RS law holds employers responsible for improving working conditions. Workers' rights extended to all official, that is, registered, workers including migrant and temporary workers. According to informal estimates, approximately 40 percent of the total work force was unregistered.

Workers in certain industries often worked in hazardous conditions, particularly those in metal- and steel-processing plants and coalmines. The entity labor ministries do not maintain official statistics on workplace fatalities and injuries. During the year one major industrial accident occurred. On September 29, multiple explosions at the "Igman" ammunition factory in Konjic killed one person and injured several others. Built over 50 years ago, "Igman" is a privately owned munitions fac-

tory that produces ammunition for high-caliber small arms and where much of the production is still done by hand.

BULGARIA

EXECUTIVE SUMMARY

The Republic of Bulgaria is a parliamentary democracy. The constitution vests legislative authority in the unicameral National Assembly (Narodno Sabranie). A minority government headed by a prime minister led the country. Observers characterized the 2011 presidential elections as reflecting "a respect for fundamental rights and freedoms," but they also noted reports of vote buying and organizational weaknesses. Security forces reported to civilian authorities.

The marginalization of the Romani minority remained Bulgaria's most pressing human rights problem. Also of note was right-wing extremist violence against Roma, Muslims, and other religious minorities. Corruption continued to be a drag on the government's capabilities and public confidence in the judiciary and other state institutions.

Other human rights problems included harsh conditions in prisons and detention facilities, including overcrowding. Mistreatment of prisoners and detainees, especially members of minorities, was also alleged. There were also long delays in the judicial system; apparent abuse of wiretapping; violence and discrimination against women; violence against children; discrimination against members of the Romani and Turkish ethnic minorities; anti-Semitic vandalism; trafficking in persons; and discrimination against persons with disabilities, against lesbian, gay, bisexual, and transgender persons, and persons with HIV/AIDS.

The government took steps to prosecute and punish officials who committed abuses both in the security services and elsewhere in the government. However, their actions were often ineffective, and impunity was a problem.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed arbitrary or unlawful killings. Human rights advocates continued to insist that the law provides police with excessive authority for use of force and lethal use of firearms. The prosecution service reported that the number of cases against security personnel was increasing. During the 10 months through October, there were 39 prosecutions and 13 convictions of Interior Ministry personnel.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, observers noted increased use of force in connection with the government's stepped-up efforts to address organized crime. According to an Open Society Institute (OSI) survey, police were more likely to use excessive force on persons of Romani origin. In the first six months of the year, the government investigated 36 cases of police violence. During the seven months through July, the courts acquitted 12 police officers. Nongovernmental organizations (NGOs) claimed that authorities frequently did not properly investigate allegations of police brutality.

Police can detain persons for 24 hours without charging them. There were some reports that police sometimes arrested suspects for minor offenses and physically abused them to force confessions, especially in cases involving Romani suspects. In November 2010 four police officers beat 23-year-old student Stefan Bofirov from Plovdiv to make him confess to a robbery. The Ministry of Interior fired one officer and disciplined the other three for exceeding their authority; the criminal prosecution of the four officers began in June and was continuing as of October.

Human rights groups continued to claim that medical examinations following cases of police abuse were not performed and that officials rarely punished offending officers.

Prison and Detention Center Conditions.—Conditions in most prisons were harsh with inadequate toilet facilities, heating, and ventilation. During the year there were 53 deaths in prisons and four deaths in pretrial detention centers. Prisoners had access to potable water. There were no reports of inadequate record keeping. There were no reports that conditions for women prisoners were worse than those for men. Most of the prison facilities dated from the early 1900s; the government built the newest facility in 1983.

Overcrowding remained a serious problem, especially in pretrial detention centers. As of October there were 9,714 prisoners, including 89 juveniles and 301 women, in the country's 13 prisons, which had a designed capacity of 8,763 inmates. In Burgas Prison some of the inmates were forced to sleep on the floor for lack of sufficient bed space. The daily food allowance was approximately 3.20 levs ($2.14). NGOs received complaints about both the quality and quantity of food.

The prison administration received complaints from prisoners about sanctions imposed on them, the poor quality of medical services, living conditions, and mistreatment by prison guards. The Bulgarian Helsinki Committee (BHC) stated that performance reports throughout the year showed the administration's training for prison guards was ineffective. Unfilled guard positions resulted in inadequate staffing and contributed to the poor execution of guard duties. Foreign prisoners serving longer terms were held in a separate prison in Sofia to provide them with easier access to consular services.

The prison administration estimated that 1,300 prisoners, or more than 13 percent of the prison population, were drug-dependent. Prison authorities experienced difficulties in limiting prisoner access to narcotics and diagnosing and treating the increasing number of drug-dependent inmates.

All prisoners have the right to work, and two days of work reduced the prison term by three days. In practice the prison administration offered work to only a limited number of prisoners; work was generally less available due to the economic crisis. Prisoners alleged that the system for determining the type of work regime a prisoner received was corrupt and lacked oversight. Nonviolent offenders could be sentenced to probation, allowing them to stay out of prison as long as they met the conditions of their probation sentence.

Only one of the country's 42 detention facilities met internationally established human rights standards. The government partially renovated a few other detention centers. As of October, 1,326 persons were in detention, including 33 juveniles and 48 women. The total designed capacity of the centers was 1,786 persons.

While prisoners in principle have the right to receive visitors, in most cases a lack of space to accommodate visitors in the facility made visits impossible. Prisoners of any faith could hold religious observances.

Prisoners reported substandard conditions to the prison administration, the national ombudsman, and the court system. During the year prisoners filed 854 complaints with the prison administration claiming improper sanctions, improper transfers to other facilities, substandard medical services, poor conditions, and abuse by prison guards. The prison administration found 717 of those complaints unfounded and dismissed 41 as outside the scope of its authority; it investigated the rest of the complaints and imposed sanctions.

In 2010 the National Assembly allocated 20 million levs ($13 million) during the three-year period to 2013 to improve living conditions and reduce overcrowding. During the year the prison administration spent 892,000 levs ($596,000) for various upgrades to existing facilities such as kitchen refurbishment, roof repair, and cell refurbishment.

During the year the government generally permitted monitoring of prisons by independent observers.

d. Arbitrary Arrest or Detention.—The constitution and the law prohibit arbitrary arrest and detention; however, there were reports that police at times abused their arrest authority.

Role of the Police and Security Apparatus.—The Ministry of Interior is responsible for law enforcement. The State Agency for National Security (DANS), which reports to the prime minister's office, is responsible for counterintelligence, domestic intelligence analysis, and investigation of corruption. The National Intelligence Service is responsible for foreign intelligence, and the National Protective Service is responsible for VIP security; both answer to the president. Civilian authorities maintained effective control over the police and security services, and the government had effective mechanisms to investigate and punish abuse and corruption.

Arrest Procedures and Treatment While in Detention.—While not required, police normally obtained a warrant from a prosecutor prior to apprehending an individual. Authorities generally informed detainees promptly of the charges against them. Police may hold a detainee for 24 hours without charge; detention can be extended an additional 72 hours when authorized by a prosecutor. A court must approve detention longer than 72 hours; such detention can last up to two years. Prosecutors may not arrest military personnel without the defense minister's approval. Authorities generally observed these laws, although police sometimes exceeded the 24-hour detention period.

The law provides for bail, and it was widely used.

The law provides for the right to counsel from the time of detention, but there were isolated cases in which police failed to inform detainees of this right. In some cases police officers made the detainees sign a declaration spelling out their rights to legal assistance without any oral explanation, even if the detainees were illiterate. The law provides state-funded legal aid for low-income defendants. In April the prosecutor general issued an instruction that substantially defined and simplified the process by instructing authorities to ensure a detainee has access to legal counsel no later than two hours after detention and that a lawyer has access to the detainee within 30 minutes of his or her arrival at the police station. However, an OSI report indicated detainees often had to make an arbitrary choice of a public defender based on recommendations from the police, a practice that made the process insufficiently transparent.

Arbitrary Arrest.—Some Muslim leaders complained of harassment during which security service members would regularly question them about religious radicalism and fundamentalism. In February a former mufti was arrested at night in his home for failure to respond to a court summons which had never been served.

Pretrial Detention.—Long delays awaiting trial were common, and there was a large backlog of outstanding investigations. Statutory time limits for investigations often resulted in hasty indictments that judges returned for additional investigation, during which time persons accused of serious crimes were released on bail.

e. Denial of Fair Public Trial.—The constitution and the law provide for an independent judiciary; however, corruption, inefficiency, and lack of accountability were pervasive problems. Public perception that the judicial system rendered unequal justice contributed to a series of demonstrations, some violent and racist, across the country in late September. The demonstrations were sparked by a local protest against alleged police protection of a Romani crime boss involved in a deliberate killing in the village of Katunitsa (see Section 6, National/Racial/Ethnic Minorities).

The Supreme Judicial Council appoints, promotes, disciplines, and dismisses judges, investigators, and prosecutors. It investigates complaints of judicial misconduct and recommends disciplinary action. Managing magistrates can also impose minor punishments. Observers noted that the council was slow to implement internal discipline. Of the 105 disciplinary cases sent to the council during the year, four resulted in dismissal, two in demotion, four in reduced remuneration, and 46 in other disciplinary sanctions.

Judicial and investigative backlogs remained a problem in larger jurisdictions, and long delays for criminal trials were common.

NGOs reported the juvenile justice system lacked empathy and coordination. Crime reports were not matched with social reports for proper case assessment, which resulted in inefficient and heavy-handed application of corrective action. As of October, there were 89 juveniles in corrective schools and 33 in pretrial detention.

Trial Procedures.—The law presumes defendants innocent until proven guilty and allows them ample time to prepare a defense. All court hearings are public except for cases involving national security, endangerment of public morals, and the privacy of juvenile defendants.

Juries are not used. In cases involving serious crimes, two lay judges join a professional judge. If a crime carries a sentence of more than 15 years' imprisonment, two professional judges and three lay judges hear the case. In such circumstances, a majority vote determines verdicts. A defense attorney is mandatory if the alleged crime carries a punishment of 10 or more years in prison; if the defendant is a juvenile, foreigner, or person with mental or physical disabilities; or if the accused is absent. Defendants have the right to be present at their trial and can demand a retrial if they were convicted in absentia, unless they were evading justice at the time of the first trial. Defendants have the right to confront witnesses, examine evidence, and present their own witnesses and evidence. The law provides for the right of appeal, which was widely used. Trial procedures apply equally to all defendants.

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

Regional Human Rights Court Decisions.—As of September the European Court of Human Rights (ECHR) issued 98 judgments during the year that found 55 violations by the country of the European Convention on Human Rights. The government usually complied with the judgments. In January the Parliamentary Assembly of the Council of Europe cited Bulgaria for "extremely worrying delays" in implementing judgments of the ECHR.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; however, the same long delays as for criminal cases affected court action on civil cases. Individuals may file allegations of

human rights abuses with courts and with the Commission for Protection against Discrimination (CPD), which could impose fines on violators. Individuals could appeal decisions involving alleged human rights abuses by the state to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these provisions in practice.

In February the permanent parliamentary subcommittee overseeing the use of specialized investigative techniques reported numerous cases of wiretapping malpractice, including insufficient cause and lack of safeguards to protect collected information.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—*Status of Freedom of Speech and Press.*—The law provides for freedom of speech and press, and the government generally respected these rights. However, there were numerous concerns about the domination of the media market by business interests seeking political influence. NGOs reported that journalists practiced self-censorship or took money from political and business leaders and from organized crime groups to plant either positive stories about the leaders and criminal groups or negative stories about their rivals. In addition, media owners reportedly forced journalists to change their reporting. Journalists complained some media companies kept unofficial lists of political parties, persons, and topics that should receive only positive coverage. Media ownership remained only partially transparent, and there was no civil monitoring of the government-subsidized media, which were the most popular outside the capital.

Freedom of Speech.—The law defines hate speech as speech that instigates hatred, discrimination, or violence based on race, ethnicity, nationality, religion, sexual orientation, marital or social status, or disability. In April the National Assembly adopted amendments to the penal code providing for one to four years' imprisonment for hate speech. The Organization for Security and Cooperation in Europe (OSCE) expressed concerns that the amendments could be abused to restrict freedom of expression and bar legitimate criticism by journalists.

Freedom of Press.—Media organizations and in a few cases political parties freely published a variety of newspapers. Private television and radio stations provided a variety of news and public interest programming. Both print and electronic media were susceptible to economic and political influence, and there were reports that individuals with political and economic power intimidated journalists. Although the state-owned electronic media presented opposition views, observers believed that the law was inadequate to protect their programming independence and left these media vulnerable to government pressure.

Individuals criticized the government without official reprisal. However, in rural areas offering fewer employment opportunities, individuals were more hesitant to criticize local governments. Local journalists reported that the regional press was underdeveloped, and especially local online news outlets were under the full control of business interests and groups linked to local governments.

Violence and Harassment.—In May the newspaper Monitor fired its Kardjali correspondent, Vildan Bairyamova, for criticizing political leaders connected with major media moguls, and refusing to practice self-censorship. Prior to her firing, Bairyamova received threats to herself and her family.

In October the car of Sasho Dikov, director of the cable television channel Kanal 3, was destroyed by a bomb. The investigation into the attack was ongoing.

Libel Laws/National Security.—Libel is legally punishable. Usually the courts interpreted the law in a manner favoring journalistic expression. Many defamation cases were prompted by journalists' reporting about corruption or mismanagement; the most frequent plaintiffs were government officials and other persons in public positions.

Nongovernmental Impact.—There were some instances of public pressure aimed at journalists. During the protests in Katunitsa (see section 6, National/Racial/Ethnic Minorities), protesters accused journalists of false reporting and twisting the facts. Facebook groups and other online fora launched a campaign of intimidation, threats, and anti-Semitic invective against bTV reporter Mirolyuba Benatova. Those groups reported to the system's administrators that Benatova's Facebook page was offensive; she was banned from the social network.

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

The security services could access electronic data with judicial permission when investigating cyber and serious crimes. However, NGOs criticized gaps in the law that allow the prosecution service to request such data directly from the service providers without court authorization. There were no reports that the government attempted to collect personally identifiable information in connection with a person's peaceful expression of political, religious, or ideological opinions or beliefs.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. The law requires groups requesting a permit for gatherings to give 48 hours' notice. The law prohibits public gatherings within a security zone (16 to 66 feet) around the National Assembly, the Council of Ministers, and Presidency buildings. Mayors can prohibit, dismiss, or suggest an alternative site for a gathering they believe poses a threat to public order, security, or traffic.

Freedom of Association.—The constitution and law provide for freedom of association, and the government generally respected this right in practice. The law prohibits groups, including political parties, that endanger national unity; promote racial, national, or religious hatred; violate the rights of citizens; or seek to achieve their objectives through violent means. The government generally respected the rights of individuals and groups to establish political parties or other political organizations. However, NGOs may not engage in political activity.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for granting asylum or refugee status, and the government has established a system for protecting refugees.

Nonrefoulement.—The government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The UNHCR stated the risk of genuine refugees receiving a rejection was limited.

The law requires that persons seeking refugee status file an application within "a reasonable time" after entering the country. However, border police are required to detain in a temporary center all persons, including asylum seekers, who enter the country illegally. Asylum seekers were commonly treated as illegal immigrants and potentially subject to deportation. Observers remained concerned about the institutional capacity of the government to process requests and transfer applicants to shelters.

The opening of a second temporary detention center near the border with Turkey without a local office of the State Agency for Refugees to review applications and grant asylum resulted in the frequent transfer of asylum seekers from that center to the one near Sofia and created more inefficiency and delay.

Refugee Abuse.—There were numerous reports of guards mistreating detained immigrants and asylum seekers.

Although the law sets a maximum six-month period of detention for illegal immigrants and asylum seekers, there were numerous reports of detentions exceeding six months.

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

The constitution and the law provide citizens the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Watchdog organizations and opposition parties alike reported government-affiliated local businesses resorted to intimidation and pressure to insure electoral support for the ruling party, GERB, in the October local and presidential elections.

Elections and Political Participation.—Recent Elections.—Despite a new electoral code, concerns about the effectiveness of law enforcement and the judiciary, and allegations of vote-buying which negatively affected the election environment, observers widely regarded the results of the 2011 local and presidential elections free and fair. The final report of the Limited Election Observation Mission of OSCE's Office for Democratic Institutions and Human Rights (ODIHR) found the election generally was conducted in accordance with OSCE commitments and Council of Europe standards.

The law prohibits campaigning in languages other than Bulgarian. In its report on the 2009 elections, ODIHR noted that this requirement, as well as the absence of official voter information in minority languages, limited the ability of some members of the Romani and Turkish minority groups to understand the election rules and to participate effectively in the election process.

In November and December prosecutors filed 102 cases and the courts convicted 18 persons for election-related violations in the local and presidential elections in October. Investigation of 42 further cases of election fraud were pending.

Political Parties.—The law requires a political party to have 2,500 members to register officially. Voters of Romani or Turkish origin were legally limited in that the constitution does not allow for the establishment of political parties along ethnic lines. In practice this prohibition did not appear to weaken the role of some ethnic minorities in the political process, and a number of parties represented various ethnic minority groups.

Participation of Women and Minorities.—There were 57 women in the 240-seat National Assembly. There were three female ministers out of 16 ministers in total. Women held key positions in the National Assembly, including those of speaker of the assembly, one deputy speaker, and chairmen of seven of the 20 standing committees.

There were 28 members of minority groups (27 ethnic Turks and one Rom) in the National Assembly. There was one ethnic Turkish minister in the cabinet. While the ethnic Turkish minority was well represented, Roma were underrepresented, particularly in appointed leadership positions. Pomaks (ethnic Bulgarians who are Muslims) held elected positions at the local level.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials in all branches of government often engaged in corrupt practices with impunity. World Bank governance indices indicated that corruption was a problem. Corrupt practices included bribery, conflict of interest, elaborate embezzlement schemes, procurement violations, and influence trading.

In July the European Commission's Cooperation and Verification Mechanism (CVM) report stated that the fight against high-level corruption had not yet yielded convincing results. There were very few final and enforced verdicts in this area, and there were few instances of active targeting of high-level corruption. The report further stated that a number of acquittals in cases involving high-level corruption, fraud, and organized crime exposed serious deficiencies in judicial practice. The leadership of the judiciary, the Supreme Judicial Council, the general prosecutor and the president of the Supreme Court of Cassation did not properly analyze or follow up these deficiencies. There were reports that random case-assignment software was manipulated to steer certain cases to specific judges. In both the executive and judiciary, NGOs reported that corrupt officials were pressured to quit or retire, or most often were reassigned, rather than prosecuted on corruption-related charges. The overly formal judicial system made it difficult to prosecute high-profile organized crime and corruption cases effectively. Legal and procedural limitations on the use of sting operations, plea bargaining, and cooperating witnesses made it difficult to pursue corruption cases.

In September the minister of interior prohibited the acceptance of donations to the ministry by individuals and corporations after the CVM report heavily criticized the practice.

The prosecution dropped charges in three of the five corruption cases against former ministers begun in 2010; two cases continued. The trend continued during the year of high profile cases ending in acquittal, but there were some successes.

On June 22, the appellate court overturned the acquittals of former deputy minister of interior Raif Mustafa and his associate, Rosen Marinov, on the charge of attempting to bribe the former head of the Fisheries Agency. The court gave them suspended sentences of two and three years, respectively.

In July, Dimitar Avramov and Stoyan Gyuzelev, members of parliament from the ruling party, GERB, were required to pay 5,000 levs ($3,342) each, after the Su-

preme Cassation Court found them guilty of conflict of interest. This was the first time parliamentarians were convicted of conflict of interest.

The law mandates that government officials declare any circumstances in which they could be accused of using their position for personal profit. High-level public officials who fail to submit a financial disclosure declaration can be fined as much as 1,500 levs ($1,000). According to the National Audit Office, during the year 34 of 6,533 officials covered by the law did not submit their annual declarations by the statutory deadline, compared with 71 of 6,546 officials in 2010. The July CVM report noted authorities did not effectively sanction false declarations or follow up on discrepancies.

The law provides the right of public access to government information; however, NGOs continued to complain the government did not implement the law effectively. While the courts allowed greater access to government information, the government rarely complied with these decisions.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials.

Government Human Rights Bodies.—The ombudsman reviews complaints of individuals against the government for violations of rights or freedoms. The ombudsman can request information from authorities, act as an intermediary in resolving disputes, make proposals for terminating existing practices, refer information to the prosecution service, and request the Constitutional Court to abolish legal provisions as unconstitutional. During the year the ombudsman received 5,530 complaints of violations of citizens' rights and freedoms compared with 3,687 in 2010. The majority of complaints concerned quality of public services, social assistance programs, and property problems. The authorities sometimes acted in response to recommendations from the ombudsman.

A permanent parliamentary committee oversees human rights, religious denominations, and citizens' complaints and petitions.

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

The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued, particularly against persons with disabilities; ethnic minorities; and lesbian, gay, bisexual, and transgender (LGBT) persons. Trafficking in persons continued to be a problem.

The government investigated complaints of discrimination, issued rulings, and imposed sanctions against violators. The law allows individuals to pursue a discrimination case through the court system or through the CPD. The CPD's mandate expired in 2009, but authorities did not select new members. Many legal experts were concerned that the law is not precise whether the old CPD members retained their authority. Notwithstanding, in the 10 months through October, the CPD received 685 complaints, up from 663 in 2010. The majority of the complaints concerned personal status, age, and disability discrimination. The commission found 177 cases of discriminatory practices and imposed 53 fines totaling 49,100 levs ($32,800) on violators.

In April the National Assembly amended the penal code to toughen sentences when racist and xenophobic acts lead to homicide and bodily injuries.

Women.—Rape and Domestic Violence.—Rape is illegal but underreported due to the stigma attached to it. Authorities generally enforced laws against rape when violations came to their attention. Spousal rape can be prosecuted under the general rape statute; however, authorities rarely prosecuted it in practice. Sentences for rape range from two to eight years in prison (from three to 10 years if the victim is a blood relative). When rape results in serious injury or suicide, sentences range between three and 15 years' imprisonment and, when the victim is a minor, between 10 and 20 years. According to NGOs the social taboo experienced by rape victims discouraged them from reporting the crime and was a far more serious obstacle to prosecution than police reluctance to investigate. As of October the prosecution service filed 203 rape cases and pursued 67 prosecutions, and the court sentenced 83 persons.

The law defines domestic violence as any act of, or attempted act of, sexual violence; or physical, psychological, emotional, or economic pressure against members of one's family or between cohabiting persons. It empowers the court to impose fines, issue restraining or eviction orders, or require special counseling. The law requires

the government to adopt an annual action plan to prevent and protect against domestic violence and requires the state to fund it.

Observers noted the law was generally enforced in cases of physical violence, but that authorities did not pay much attention to other types of domestic abuse. Although there were no precise statistics, NGOs estimated that one in four women was a victim of domestic violence, an increase over previous years.

On March 30, the government adopted a national program for prevention of and protection against domestic violence that provides a framework for partnership between the government and NGOs and allocates funding. The program sets out standard procedures for assistance and support to domestic violence victims and provides for the creation of a coordination mechanism.

A local NGO operated a free 24-hour hotline for women in crisis, and other NGOs provided short-term protection and counseling to victims in 17 crisis centers and shelters throughout the country. Police and social workers referred victims of domestic violence to NGO-run shelters, but NGOs complained that local authorities rarely provided financial assistance for operational costs. Women's rights organizations continued to insist that the government lacked an active policy to enforce gender equality and provide protection against domestic violence. In August the U.N. Committee on the Elimination of Discrimination against Women criticized Bulgaria for failing to fulfill its obligations under the international convention by failing to provide effective protection against domestic violence to a mother and her two underage children. The committee recommended the government pay compensation to the woman.

Sexual Harassment.—The law identifies sexual harassment as a specific form of discrimination punishable as coercion by up to six years in prison. During the year the CPD received fewer sexual harassment complaints than in the previous year, less than 1 percent of all complaints. However, sexual harassment remained an underreported problem.

Sex Tourism.—Sex tourism existed in some tourist resorts. Media reports stated some hotels solicited business by advertising code-named sex services.

Reproductive Rights.—The government generally respected the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Women generally had good access to contraception and skilled attendance during childbirth, and to prenatal care, including essential obstetric and postpartum care. Women in poor rural areas had less access to contraception due to poverty and lack of education; skilled attendance at childbirth was sometimes less available due to lack of health insurance.

Discrimination.—The law provides women with the same rights as men; however, women faced some discrimination in hiring and pay. According to a report by the European Parliament during the year, women's salaries were 13.6 percent lower than men's, and they occupied only 11 percent of business executive positions. Women were also disproportionally underrepresented in government; only 11.3 percent of mayors were women. The National Council on Equality between Women and Men, headed by the minister of labor and social policy under the Council of Ministers, is responsible for safeguarding the rights of women. Primarily a consultative body, the council is charged with promoting cooperation and coordination among NGOs and government agencies.

Children.—Birth Registration.—Citizenship is derived from one's parents. Children are immediately registered upon birth in the country.

Education.—Public education is compulsory to the age of 16 and free through the 12th grade, but authorities did not effectively enforce attendance requirements.

Approximately 20,000 children drop out of school every year. This trend affected the ethnic minorities disproportionately: While 55 percent of the Turkish and 46.2 percent of the Romani population completed primary education, only 24 percent of Turkish and 7.8 percent of Roma completed secondary education.

Child Abuse.—Violence against children was a problem. According to the State Agency for Child Protection, 2,155 children were victims of violence in 2010, of whom 77 percent were victims of violence in the home. Nationwide one in three children was a victim of physical violence, and one in eight of sexual violence. Nearly 19 percent of the cases involved emotional abuse. UNICEF reported that 23 percent of students between the ages of 10 and 14 were victims of cyber-bullying, while 13 percent of students admitted to cyber-bullying. According to the National Statistical Institute, 2,090 children were victims of serious crimes in 2010, a slight increase from 2,009 juvenile victims in 2009. Experts commented that the cruelty of the acts had increased, with the number of killings increasing from seven to 12.

The government funded an NGO-operated 24-hour free hotline for children to report abuse; during the first nine months of the year, the hotline received 13,106 verified complaints. Nearly 13 percent of the calls concerned family problems and violence. These calls prompted investigations that sometimes resulted in the removal of children from abusive homes and the prosecution of abusive parents. Hotline administrators referred 235 reports to child protection authorities for handling.

Child Marriage.—The minimum age for marriage is 16. Although no official statistics were available, NGOs reported that child marriage was common in Romani communities. According to the Romani NGO Amalipe, 20 percent of 16-year-old Roma and 50 percent of 18-year-old Roma were either married or cohabited, which resulted in school dropouts, early childbirths, poor parenting, and spreading poverty. The earliest reported age for cohabitation among the Roma was 12. The legal minimum age for consensual sex is 14.

Sexual Exploitation of Children.—The penal code provides for two to eight years' imprisonment and a fine of 5,000-15,000 levs ($3,342-$10,026) for forcing children into prostitution, as well as three to 10 years' imprisonment and a fine of 10,000-20,000 levs ($6,684-$13,369) for child sex trafficking. The law prohibits child pornography and provides for up to six years in prison and a fine of up to 8,000 levs ($5,347).

Institutionalized Children.—As of June the prosecution service charged four persons with crimes and continued to investigate 238 deaths and other problems involving malnutrition, serious infections, sexual abuse, physical violence, and injury uncovered during its September 2010 inspections of specialized institutions for children. As of July, 5,328 children lived in 127 specialized institutions. In June a report by the European Roma Rights Center and the BHC stated that Romani children accounted for 63 percent of all institutionalized children, while Roma accounted for 10 percent of the total population. Most children in state institutions were not orphans; courts institutionalized children when they determined that their families were unable to provide them adequate care.

During the year the government began a deinstitutionalization program with the aim of integrating institutionalized children up to the age of three into the homes of their biological families or foster families or other family-type settings.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The 2011 census identified only 1,130 Jews in the country. Local Jewish organizations counted 5,000-7,000. Neo-Nazi graffiti could be seen in many cities. Defacement of Jewish buildings, both public and private, occurred in Pleven, Ruse, Shumen, Burgas, Sofia, Blagoevgrad, and Pazardjik. Internet social networks have become increasingly popular with anti-Semitic groups, especially after the Katunitsa events (see the section on National/Racial/Ethnic Minorities below). Jewish organizations remained concerned over the government's passivity in addressing all hate crimes. Public reaction to this passivity was muted.

The prosecution service refused to start a case against extreme right-wing ATAKA party leader Volen Siderov for the reprinting of his two anti-Semitic books, Boomerang of Evil and Mammon's Power. In September the Sofia City Court convicted Emil Antonov for spreading fascism and religious hatred in his book Foundations of National Socialism and ordered him to pay a 500-lev ($334) fine.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at http://www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services; however, the government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and some new public works projects took this requirement into account. However, enforcement of this law lagged in existing, unrenovated buildings. The law promotes the employment of persons with disabilities; however, enforcement was poor, and 90 percent of persons with disabilities were unemployed, primarily due to lack of access to adequate education, lack of skills, and lack of accessible transportation. For the most part employers did not equip workplaces to accommodate persons with disabilities.

The constitution provides the right of all citizens to vote, and the law provides specific provisions to ensure that persons with disabilities have access to the polls. However, authorities sometimes did not enforce these provisions.

The country's generally poor infrastructure for disabled people provided them with inadequate access to education, healthcare, and social services. Persons with mental and physical disabilities, including very young children, were often in institutions separated from the rest of society. The remote locations of most institutions prevented the hiring of qualified staff and hampered access to timely medical assistance. Despite some incremental improvements, conditions in institutions for persons with disabilities remained poor.

The government continued to lack a policy for children with disabilities, who had inadequate access to education, healthcare, and social services. NGOs criticized the government for not moving toward an inclusive, community-oriented model of education, socialization, and health care for persons with disabilities. Critics maintained the government continued budgeting funds (more than 242 million levs [$161.7 million] in 2010) to support organizations and nontransparent programs for persons with disabilities instead of adopting more cost effective measures.

The government operated 24 institutions for children and youth with disabilities. Children with varying types and degrees of disability were placed in the same institution. As of June there were 820 children with disabilities in public institutions, compared with 941 in 2010. According to the National Network for Children, 9,000 children with disabilities (approximately 54 percent of all such children) were integrated in the mainstream public schools.

The Interagency Council for Integration of Persons with Disabilities was responsible for developing the policy supporting persons with disabilities. The Ministry of Labor and Social Policy, through its executive agency for persons with disabilities, was responsible for protecting the rights of disabled persons and worked with government-supported national representative organizations to that end. However, human rights groups remained concerned about the lack of vision and transparency regarding financial and other support to the national representative organizations as well as the poor capacity of the agency to implement any reforms.

In June the government approved a long-term strategy to bring cohesiveness and to coordinate the various programs which address the employment of persons with disabilities. The strategy also aimed to create more job-related opportunities and to improve social integration.

National/Racial/Ethnic Minorities.—According to the 2011 census, there were 325,345 Roma in the country, i.e., less than 5 percent of the population. Ethnic Turks numbered 588,318, or less than 9 percent of the population. Observers asserted that these figures were inaccurate, because more than 600,000 persons did not answer the census question about their ethnic origin, and officials did not conduct a proper count in most Romani communities but rather either made assumptions or failed to include them altogether.

Societal discrimination and popular prejudice against Roma and other minority groups remained a problem, and there were incidents of violence between members of different ethnic groups. On September 19, a van driven by relatives of alleged Romani crime boss Kiril Rashkov killed a pedestrian in Katunitsa, a small village in central Bulgaria. This allegedly intentional act sparked a series of sometimes violent demonstrations throughout the country which lasted for over a week and led to the arrest of hundreds of protesters. The protests resulted in property damage, but the media reported few injuries. On September 24, a mob of angry local residents, indignant with authorities who for years had allegedly allowed Rashkov and his family to escape justice, joined in protest by soccer hooligans, set fire to Rashkov's home. Police arrested Rashkov on September 28.

Internet fora and social networks helped incite the September unrest by changing the tenor of the protest to be more generally anti-Romani and anti-Turkish. While the demonstrations included anti-Romani and anti-Turkish elements, most protesters voiced dissatisfaction with an inequitable system of justice. The prosecution service opened 14 cases of xenophobia; one person was convicted for creating a Web site calling for the extermination of the Roma.

Many Roma continued to live in appalling conditions. According to NGOs the historical landlessness of Roma was among the main factors for their poor housing situation. NGOs estimated that 50 to 70 percent of Romani housing was illegally constructed and were concerned that more municipalities would initiate legal proceedings to demolish illegally built houses. In August the municipal government in Petrich demolished 11 shacks following a yearlong discussion in which the national ombudsman participated. The Sofia municipality initiated an EU-funded project for the construction of apartment buildings for Roma living in the city's biggest ghetto. The project envisioned future Romani inhabitants' participating in the construction in order to inculcate a sense of ownership. Burgas, Vidin, Devnya, and Dupnitsa also received funding for similar housing projects.

Workplace discrimination against minorities continued to be a problem. General public mistrust, coupled with their low level of education, made locating work more difficult for Roma. According to a 2010 NGO survey, 12.8 percent of the Roma had a permanent job and 13 percent of the Roma had seasonal or occasional occupation.

Romani children often attended de facto segregated schools where they received inferior education which, in addition to social and family reasons, was among the main factors for Romani students' dropping out of school. The government did not have effective programs for the reintegration of students who dropped out. However, there were isolated examples of success, such as an Open Society Institute program funded by the Roma Education Fund, which supported young Roma studying in medical schools and the National Assembly internship program that graduated 10 young Romani professionals each year since 2007.

The access of Roma to health services continued to be a problem, and in some cases there was discrimination. According to a health survey released in October by the Bulgarian Academy of Sciences, 56 percent of Roma over the age of 15 suffered from hypertension and 47.5 percent of Romani children and 23.9 percent of adults suffered from diabetes and asthma. Bronchitis, cardiovascular disease, peptic ulcers, arthritis, rheumatism, prostate, and menopause problems were chronic in many Romani communities. One successful model in addressing Romani access to health services was the collaboration between the National Network of Health Mediators and central and local government. Since its inception this partnership trained more than 100 health mediators appointed to full time positions in 55 municipalities to work with high-risk and vulnerable groups.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination on the basis of sexual orientation, but the government did not effectively enforce this prohibition. While reports of violence against LGBT persons were rare, societal discrimination, particularly discrimination in employment, remained a problem. NGOs stated that individuals were reluctant to seek redress in the courts due to fear of being openly identified as belonging to the LGBT community.

On July 4, the Supreme Administrative Court upheld the Antidiscrimination Commission's ruling that a Pazardjik city regulation prohibiting public expression of sexual orientation violated the country's antidiscrimination laws.

On June 18, the fourth annual gay pride parade took place in downtown Sofia. In the days before the parade, hate groups used social networks to call for a large-scale counterdemonstration to occur earlier on the same day. The police took the threat seriously, but only a few counterdemonstrators showed up. The parade attracted an estimated 450 participants and went on without incident. However, following the march, unknown persons attacked five volunteers outside the parade's secure zone. Three of the volunteers suffered minor injuries.

Other Societal Violence or Discrimination.—According to the NGO Hope against AIDS Foundation, HIV/AIDS patients faced discrimination and inadequate medical care due to doctors' refusing to provide treatment because of a fear of contracting the disease. Patients typically did not contest these situations in court because of the social stigma attached to having HIV/AIDS. Patients reported hiding the fact that they were HIV-positive in order to receive medical care. The NGO stated that at least four patients with HIV/AIDS died due to denial of treatment.

Society stigmatized women who were diagnosed and treated for sexually transmitted diseases.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution and law provide for the right of all workers to form or join independent trade unions of their choice without previous authorization or excessive requirements. The law also provides for the right to strike; however, key public sector employees (primarily military and law enforcement personnel) were subject to a blanket prohibition against striking. These employees were able to take the government to court as a means of ensuring due process in protecting their rights. The law allows unions to conduct their activities without interference.

The law provides a national legal structure for collective bargaining. When employers and trade unions reach a collective agreement at the sectoral level, they can jointly request the Minister of Labor extend it to cover all enterprises in the sector. The law denies public servants the right to collective bargaining. The law prohibits antiunion discrimination and includes a provision for a six-month salary payment as compensation for illegal dismissal. Complaints of discrimination based on union affiliation can be filed with the Commission for Protection against Discrimination, but there were no reports of such complaints during the year.

In general the government effectively enforced the laws. However, union leaders complained that court proceedings for reinstatement of unfairly dismissed workers often took years to resolve and were not a strong deterrent of antiunion discrimination.

Workers exercised the right to organize and join unions as well as the right to strike. In general the government allowed unions to conduct their activities without interference. However, unions reported some cases of employers' relocating, firing, and demoting union leaders and members. Labor unions also alleged that some employers failed to bargain in good faith or to adhere to agreements. Union leaders stated that some employers asked new employees to sign declarations that they would not establish or join unions.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children. According to the government's General Labor Inspectorate, the government effectively enforced those prohibitions. However, there were some reports of children being forced to work for their families or criminal organizations. Also see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age for employment at 16 and the minimum age for dangerous work at 18. To employ children under the age of 18, employers must obtain a work permit from the General Labor Inspectorate of the Ministry of Labor and Social Policy. Employers can hire children under the age of 16 with special permits for light work that is not risky or harmful to the child's development and that does not interfere with the child's education or training. The General Labor Inspectorate inspected the working conditions at all companies seeking and holding child work permits.

Employment of children without a work permit is a criminal offense and entails a punishment of up to six months in prison. Child labor laws generally were enforced well in the formal sector, but NGOs reported that children were exploited in certain industries (particularly small family-owned shops, textile production, restaurants, construction businesses, and periodical sales) and by organized crime (notably for prostitution, pickpocketing, and the distribution of narcotics). Besides child sex trafficking, the worst forms of child labor included heavy physical labor and labor on family tobacco farms, a significant health hazard.

The government continued programs to eliminate the worst forms of child labor, mounted educational campaigns about their effects, and intervened to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor. The General Labor Inspectorate continued to report a decline in child employment during the year, which was primarily due to the overall unemployment rise resulting from the financial crisis. As of October the inspectorate granted 1,684 requests for employment of children between the ages of 16 and 18 years. The inspectorate granted 60 requests for work permits for children under the age of 16. In 2010 the inspectorate uncovered 2,786 violations related to child employment, imposed 2,707 sanctions, and filed 245 administrative proceedings. In addition to failure to recognize the different provisions for paid leave and working hours that apply to minors, the violations involved primarily hiring a child without a work permit, contract, or required medical certificate. According to the inspectorate, once corrected, employers did not repeat the violations.

The government continued to report a declining trend in the number of children detained by police for vagrancy and begging, which as of October was 246 compared with 397 during the same period in 2010. Many believed adults exploited these children, who were primarily engaged in begging, prostitution, or washing car windows. When such children were apprehended, police generally placed them in protective custody for up to 24 hours or in crisis centers for longer periods, unless remanded to protective custody by a prosecutor. Subsequently, authorities sent many children to state-run institutions.

d. Acceptable Conditions of Work.—The national minimum wage was 270 levs ($180) per month. The poverty income level as of October, according to the trade unions, was 198.48 levs ($132.67), up 7.2 percent compared with June 2010. In November the government set the poverty line at 236 levs ($158).

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period per week; the law prohibits excessive compulsory overtime. The law prohibits overtime work for children under age 18, pregnant women, and women with children up to age six. The law stipulates that the pay premium for overtime cannot be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during 12 official holidays. The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. Enforcement was generally effective in the government sector but weaker in the pri-

vate sector. During the year the General Labor Inspectorate found 490 violations of overtime pay rules.

A national labor safety program, with standards established by law, gives employees the right to healthy and nonhazardous working conditions. The General Labor Inspectorate is responsible for monitoring and enforcement. However, with a significant grey market economy, many informal workers are not covered by legal protections or government inspections. In September the government expanded the General Labor Inspectorate, adding 110 new positions in an effort to reduce extensive grey market employment. There were 423 labor inspectors. In the first nine months of the year, there were 2,047 work-related accidents compared with 2,233 in the period in 2010. Conditions in some sectors, particularly construction, mining, chemicals, and transportation, continued to pose risks for workers. As of October there were 58 work-related deaths, mainly in the transportation sector, compared with 60 for the same period in 2010.

CROATIA

EXECUTIVE SUMMARY

The Republic of Croatia is a constitutional parliamentary democracy. Legislative authority is vested in the unicameral parliament (Sabor). The president serves as head of state and nominates the prime minister, who leads the government. Domestic and international observers stated that parliamentary elections held in December were in accordance with international standards. Security forces reported to civilian authorities.

During the year the most important problems in the country were societal discrimination and some instances of violence directed against members of ethnic minorities, particularly ethnic Serbs and Roma, which discouraged the return of displaced persons to their homes, slowed property restitution, and delayed recovery from the conflict in the early 1990s. Hostility and violence directed at lesbian, gay, bisexual, and transgender (LGBT) persons increased during the year. Official corruption remained a deep-seated problem despite the ongoing prosecution of a former prime minister and other senior Croatian officials.

Other important human rights problems included prison conditions, such as overcrowding, and delays in the judicial system. Property restitution claims stemming from World War II, the Communist era, and the wars of 1991-95 remain unresolved. Instances of restrictions on freedom of association, child abuse, limitations on the right to strike, restrictions on collective bargaining, and child labor problems were also reported.

The government took significant steps to prosecute and punish officials who committed abuses of human rights. It has not, however, succeeded in establishing a certainty of punishment for abusers, and lingering ethnic prejudices from the wars of 1991-95 remain.

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

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

b. Disappearance.—During the year there were no reports of new politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that the government employed them.

Prison and Detention Center Conditions.—The ombudsman for human rights regularly visited prisons throughout the country to assess conditions. According to the ombudsman, the treatment of prisoners was generally humane. Prisoners had potable water. However, the ombudsman specifically cited poor ventilation, insufficient outdoor time, lack of fresh air, and few work opportunities as problems. While prisoners generally had access to medical care, medical personnel did not staff all prisons continuously, thereby creating deficiencies in healthcare. Access to sufficient psychiatric services and specialists was a problem. The Central Office of the Prison System Department that monitors prison conditions responded to complaints about prison conditions from the ombudsman's office, and rectified some problems. Conditions for women are often better than those of men; women who give birth in prison can keep their children with them for up to three years.

The prison system had a capacity of 5,200 to 5,300 persons. There were an estimated 5,230 inmates in prisons, penitentiaries, and juvenile detention institutions

at the end of 2010, according to the most recent ombudsman's report. Of the inmate population, 249 were women and 76 were juveniles. A total of 13 deaths (11 natural deaths and two suicides) occurred.

Prisoners and detainees had reasonable access to visitors and were permitted religious observances. Authorities did not permit prisoners and detainees to submit complaints to judicial authorities without monitoring. Authorities allowed prisoners to request investigation of credible allegations of inhumane conditions; however, the ombudsman reported that prison staff verbally harassed some prisoners who complained.

The ombudsman has no authority over such matters as alternatives to incarceration for nonviolent offenders or to alleviate overcrowding. He also cannot address the confinement of juvenile offenders; or improve pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. The ombudsman can only intervene in relation to prison conditions. His opinion is not binding.

On May 25, the government opened a new prison in Glina to comply with a 2009 decree by the Constitutional Court to ease overcrowding in the penal system within five years. While the facility was designed for 420 prisoners, the ombudsman noted that due to increased incarceration rates, the new facility would not ease overcrowding in the country's prisons.

The government permitted visits by independent human rights observers, including the International Committee of the Red Cross and the Council of Europe's Committee for the Prevention of Torture, in accordance with their standard modalities.

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

Role of the Police and Security Apparatus.—The national police have primary responsibility for domestic national security. However, in times of disorder, the prime minister and the president may call upon the military to provide security. The intelligence service is under the authority of the prime minister and the president. An independent oversight board monitors the intelligence service's activity.

Arrest Procedures and Treatment While in Detention.—Under the new law on criminal procedure, which came into force for all types of prosecutors on September 1, state prosecutors may hold suspects for up to 48 hours. In all cases an investigative judge must decide within 12 hours whether to extend the detention for further investigation. Investigative detention generally lasts up to 30 days; however, the law allows for a six-month pretrial detention. A court may extend that period to 12 months in certain cases, primarily for war crimes, corruption, and organized crime, upon the state prosecutor's request. The courts may release detainees on their own recognizance. Detention centers allowed visits by family members. The state prosecutors in the Office for Suppression of Corruption and Organized Crime (USKOK) have implemented this law since 2009.

The law designates investigative judges as responsible for the oversight of investigations, detentions, the protection of human rights issues, and the supervision of relations between prosecutors and defendants. Investigative judges also rule on appeals to detention orders and on the use of special investigative techniques such as surveillance, wiretapping, and raids. The law also provides for a "supervisor for detention," who is responsible for ensuring that the constitutional rights of detainees are not violated.

Amnesty.—The law permits amnesty except in cases of war crimes. At the end of 2008, the State Attorney's Office launched an action plan that, inter alia, provided for the review of all war crimes indictments or continuing investigations. Since it went into effect in 2009, prosecutors either downgraded charges from war crimes to armed rebellion, for which amnesty would apply, or cancelled proceedings for other reasons, such as insufficient evidence.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. The judiciary continued to suffer from a heavy backlog of cases. The Ministry of Justice reported that 810,736 unresolved civil and criminal cases remained before the courts as of September 30.

Trial Procedures.—The constitution and law provide for the right to a public trial, and an independent judiciary generally enforced this right. Defendants enjoy the presumption of innocence. To hear cases, the legal system uses panels of judges that in some cases include lay judges, rather than juries. Defendants have the right to counsel, to be present at trial, to confront or question witnesses against them, and to present witnesses and evidence on their behalf. Defendants have access to evidence relevant to their cases and have the right to appeal.

On April 6, the Constitutional Court annulled five articles of the law on free legal aid due to restrictive and vague provisions that hindered vulnerable individuals from accessing free legal aid. On July 14, the amended law addressing the Constitutional Court's requirements took effect. However, a group of 30 NGOs, including the umbrella NGO Human Rights House, the ombudsman, and legal experts from the Zagreb Law School, doubted that the new legislation would significantly improve the referral system or make legal aid more accessible.

On May 6, parliament adopted amendments to the law on the application of the International Criminal Court Statute that, among other provisions, assigned exclusive jurisdiction over all new war crimes cases to four county courts at Osijek, Rijeka, Split, and Zagreb. Ongoing cases in 15 county courts may continue in those jurisdictions. The amendments enable national courts to utilize evidence collected by the International Criminal Tribunal for the former Yugoslavia (ICTY) in domestic war crimes trials, superseding a 2010 Supreme Court decision that held that ICTY witness statements could not serve as an evidentiary basis for convictions.

The law on criminal procedure provides for the re-opening of war crimes cases tried in absentia upon the presentation of new evidence by either the defendant or prosecutor, regardless of whether or not the defendant is present in the country. Since the adoption of the chief state prosecutor's action plan in 2008, the prosecutor's office has requested trials be reopened for 94 individual defendants, while an additional 22 individual defendants have also requested that their own in absentia convictions be reopened, and two requests came from courts. The courts of original jurisdiction have granted the requests. Therefore, of 464 in absentia convictions, the courts have agreed to reopen cases of a total of 118 defendants.

On June 8, the Zagreb County State Attorney indicted former interior ministry official Tomislav Mercep on war crimes charges for allegedly ordering his subordinates to kill, detain, and inhumanly treat more than 50 civilians and failing to prevent these actions during the 1991-95 war.

On June 20, police arrested Djuro Brodarac, the wartime chief of the Sisak police; his deputy Vlado Milankovic; and reserve police officer Drago Bosnjak in connection with war crimes committed in Sisak against ethnic Serbs in 1991 and 1992. Both Brodarac and Milankovic were investigated for their command responsibility while Bosnjak is alleged to have had a direct role in war crimes. Brodarac died on July 13. The Osijek county prosecutor issued an indictment against Milankovic and Bosnjak on December 16.

In January, the government opened three witness and victim support units in the County Courts of Rijeka, Sisak, and Split, with support from the U.N. Development Program (UNDP) following a pilot program in the county courts in Osijek, Vukovar, Zadar, and Zagreb. The government also created a seven-office nationwide network and a national committee to coordinate the expansion of witness and victim support; it also installed video-link equipment to conduct distance hearings. Nevertheless, the Organization for Security and Cooperation in Europe (OSCE) reported that judges were slow to take up the use of this new technology.

The director of the Dalmatian Committee of Human Rights, Tonci Majic, was ordered by the Zagreb County Court to be taken by police on December 12 for a psychiatric evaluation due to the fact that he tore up several Croatian flags and sent them to the offices of President Josipovic and chief state prosecutor Mladen Bajic. Majic admitted to the act but was not charged with any crime. Majic is known for advocating for ethnic Serbs who were victims of torture at the Lora prison camp in Split. Media reported that Majic sent torn flags to these top officials in protest over what Majic perceives as inaction on the part of the state prosecutor's office in war crimes cases. Some human rights activists, such as Vesna Terselic, director of Dokumenta, an NGO that encourages reconciliation through dealing with the past, opposed legal action against Majic. Terselic said the ripped flag "was a symbol of civil protest against an inefficient judiciary and as such cannot be treated as a criminal act." A court official stated that Majic was "ordered to be brought for a psychiatric evaluation due to suspicions about his mental accountability." Majic refused to comply with this evaluation request and was immediately released. Destruction of the Croatian flag is punishable by up to three years in prison.

The government took additional steps to prevent witness intimidation in war crimes cases.

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

Regional Human Rights Court Decisions.—From January to December, the European Court of Human Rights (ECHR) found the government in violation of the European Convention on Human Rights in 29 cases. In the case of Jularic v. Croatia, the ECHR directed the government to pay the applicant 30,000 euros ($38,845) for

failing to investigate properly the death of her husband at the hands of paramilitaries in 1991. By the end of the year there were 126 ECHR judgments against the government, the implementation of which was being monitored by the Committee of Ministers of the Council of Europe. During the year Croatia complied with a 2010 ECHR ruling to compensate the families of 15 Romani children who were segregated in school and undertook measures to prevent similar violations from occurring again. (See section 5, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.) During the year Croatia also compensated three Christian communities that the ECHR ruled in 2010 were entitled to government support.

Civil Judicial Procedures and Remedies.—Individuals may seek damages for, or cessation of, a human rights violation, and they could appeal decisions to the ECHR. However, continuing case backlogs raised concerns about judicial effectiveness and efficiency. Administrative remedies are available as well for alleged wrongs.

Property Restitution.—During the year the government endeavored to return private properties to their rightful owners. However, the law permitting the donation of state-owned housing to refugees gives precedence to the rights of temporary occupants, primarily ethnic Croats who were displaced or became refugees during the wars of the 1990s, over those of the original owners, who were predominantly ethnic Serbs that fled their homes. The law provides for replacement property compensation, through administrative procedures for owners who cannot recover their former property. During the year the government resolved nine property restitution cases. In five cases, owners could not repossess their homes and were waiting for completion of administrative procedures.

Repossession by ethnic Serbs of housing that once belonged to them continued. On May 13, parliament adopted changes to the act on areas of special state concern (war-affected areas), under which the government would assume the punitive mandate of the owner to pay illegal occupants— predominantly ethnic Croats — who seek to recover their so-called "unsolicited" investment (e.g. property improvements made by the occupants). The measure aimed to speed up resolution of these cases and thus to avoid the auction and sale of these properties to compensate the illegal occupants. Auctions were frequent in the past because many owners were unable to pay for the "unsolicited" investment. The law also allows for state-owned properties to be donated to these illegal occupants of privately owned property. Recipients of these donations have largely been Croat settlers from Bosnia and Herzegovina and Kosovo. According to UNHCR, thus far no property has ever been donated to an ethnic Serb. Of the 19,280 private properties registered as occupied, 19,267 have been repossessed by their lawful owners. Private property has not been returned in 13 "unsolicited investment cases" still pending before the courts.

In September the government for the first time acted under the new law when it decided to assume the owner's role in the case of an ethnic Serb property owner, Milica Miladinovic. However, this owner rejected the settlement, finding it unfair. In this case, which has been in the public eye for years, the municipal court in Zlatar ordered an auction to be held in August. However, in September the government requested that the court become a party in the procedure and assume the obligation to repay the temporary occupant. The court's decision was still pending at the end of the year.

Cases involving the restitution of property seized during World War II and the Communist era also remained a problem. The law on restitution of and compensation for property taken during the Communist era permits the restitution of property only to individuals who were citizens in 1996 when parliament passed the law. As a result, the law does not apply to persons whose property was expropriated, but who left the country and became citizens of other countries.

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordination of Jewish Communities in Croatia, the umbrella organization representing the Jewish Community of Zagreb and smaller communities throughout the country. In August the Ministry of Justice transferred title of a property in the town of Pirovac to the Jewish Community of Zagreb. A number of Jewish communal claims, including the much-publicized "Amruseva 8" in Zagreb, remain unresolved. Yugoslav authorities nationalized the building after World War II and it is still registered to an agricultural organization. In 2004 the then minister of justice pledged to return this property.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law generally provide for freedom of speech and the press; however, growing economic pressures led journalists to practice self-censorship. Specifically, a number of journalists reported that publishers and media owners feared they would lose advertisers if they published negative reports about them. Journalists frequently practiced self-censorship in reporting on advertisers or those linked politically to them. Direct government efforts to influence the media were occasionally reported at the local level.

Freedom of Speech.—The law provides for no less than six months' and no more than five years' imprisonment for hate speech. Hate speech committed over the Internet is punishable by six months' to three years' imprisonment. While freedom of speech is guaranteed by the constitution, the criminal code sanctions individuals who act "with the goal of spreading racial, religious, sex, national, ethnic hatred or hatred based on the color of skin or sexual orientation or other characteristics."

Freedom of Press.—Many private newspapers and magazines were published without government interference. However, as media ownership was not fully transparent, some business and political interests concealed their influence on media outlets. There were reports that advertisers sought to prevent the publication of negative articles. These reports also noted that some media threatened to publish negative stories to extort money from the private sector.

The South East Europe Media Organization (SEEMO), an affiliate of the International Press Institute (IPI), visited the country in January with IPI as part of a press freedom mission. The delegation noted several areas of concern including pressure from political and business groups, a lack of transparent media ownership, and threats and attacks against journalists covering organized crime and corruption.

The law regulates the national television and radio networks separately from other electronic media. Independent television and radio stations operated in the country, and two of the four national television channels were private and independent. There were no reports of the government influencing these outlets via advertising revenue.

Local governments partly or fully owned approximately 70 percent of the local broadcast media, making them particularly vulnerable to political pressure. Approximately 46 percent of local radio stations depended on local authorities for financial support.

One of the country's best-known journalists, Zoran Sprajc, was suspended on December 20 from hosting and editing state-owned Croatian Television's (HTV) primetime broadcast for speaking out against alleged censorship by the national broadcast programming council. The row was spurred by reporting that HTV aired around the 20th anniversary of the fall of Vukovar that intimated Vukovar may have been sacrificed militarily by the newly independent government in Zagreb. The Croatian Journalists Association condemned the "unlawful and non-transparent" suspension of Sprajc and another editor, Stipe Alfier.

On December 11, the Croatian Journalists Association (CJA) expressed grave concern over a "media persecution campaign" conducted by Osijek-based local media against Jutarnji list journalist Drago Hedl. Hedl was decorated by President Ivo Josipovic on December 7 on the occasion of International Human Rights Day. The following day, the Croatian Bishops Conference Justitia et Pax Commission expressed "dissatisfaction and deep dismay" and requested Josipovic withdraw the decoration due to Hedl's alleged anti-clerical reporting 30 years ago. These CJA concerns were prompted by the numerous death threats Hedl received over several years from reporting on war crimes. Hedl was the first reporter to bring to light evidence of war crimes committed by Branimir Glavas, the honorary president of the Croatian Democratic Alliance of Slavonia and Baranja party, who is currently in prison in Bosnia and Herzegovina for war crimes. On July 19, the CJA, IPI, and SEEMO demanded that police and state prosecutors investigate death threats allegedly made by top military officials against Hedl.

On September 11, Vecernji list carried a story on "illegal financing" of electoral campaigns by the Croatian Democratic Union (HDZ). On September 15, USKOK summoned Josip Bohutinski, one of the authors of the article, to testify. The police requested the journalist reveal his sources, but he apparently was not pressured to do so. Citing the freedom of the press law, Bohutinski did not cooperate. Croatia's former prime minister Jadranka Kosor, head of the then governing HDZ party, announced that whistleblowers in this case had to be questioned and that a thorough investigation would be carried out. On September 16, Oliver Vujovic, SEEMO's Secretary General "strongly condemn[ed] this political and police pressure on journalists [who revealed alleged illegal party financing]" and proclaimed that "journalists

do not have to reveal their sources and such campaigns are designed to spread fear." The HDZ party was indicted for alleged illegal party financing on December 9.

The media reported on November 8 that Nova TV journalist Danka Derifaj received death threats from the Gravel Association (Udruga sljuncara) on Facebook due to her reporting on the gravel industry. Derifaj informed the police about the threats. The same group previously brought a libel lawsuit against Derifaj for reporting on this issue.

Libel Laws/National Security.—Libel is a criminal offense. The ruling HDZ party claimed that certain media reports alleging wide-scale corruption were libelous; however, during the year there were no reports of politically motivated libel cases being filed. A large number of libel cases from previous years remained unresolved due to judicial backlogs. Courts may fine, but not imprison, persons convicted of slander and libel.

Nongovernmental Impact.—On June 11, Split police announced that following disturbances during the Split Gay Pride parade, a cameraman from the independent network RTL suffered a concussion when he was hit with a brick and that journalists from independent media RTL and HINA were also injured. The CJA expressed shock at the violence, blamed the "unprepared" police, and requested that police and investigative bodies punish the perpetrators. The police arrested 100 perpetrators; so far, one perpetrator received a one year suspended sentence on November 30 for violent behavior and hate speech. Charges have been filed against 14 others for similar criminal acts, and 25 adults and four minors are still under investigation. (see section 6, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity).

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—The constitution and law provide for freedom of association, and the government generally respected this right in practice; however, the law gives the Ministry of Justice authority over the establishment and internal governance of NGOs. While authorities applied the law equally to all organizations, some observers saw the law as restrictive and controlling. For example, the law provides that organizations may not register if their statutory goals are deemed trivial or if their property is not deemed sufficient to carry out their statutory activities. The law also permits the government to influence the appointment of an organization's management body.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Emigration and Repatriation.—The Croatian foreign minister signed a joint declaration on November 7 in Belgrade along with the foreign ministers of Bosnia and Herzegovina, Montenegro, and Serbia to end displacement and ensure durable solutions for vulnerable refugees and internally displaced persons. The government agreed to participate in a joint regional multi-year project to be presented at a donor's conference in April 2012.

Refugees returning to the country as citizens of other former Yugoslav republics, rather than as Croatian citizens, encountered obstacles in obtaining permanent residency status. The law permits these former habitual residents to apply immediately for temporary residence without meeting the requirements that apply to other foreigners. However, the government did not consistently apply this provision, resulting in uncertainty and delay in the integration of returnees. Permanent residency eases the resolution of other status issues including applying for the purchase of

flats, thus promoting sustainable return of refugees. A new law on foreigners passed in October eased this adjustment of status process.

In September the UNHCR criticized the government for charging former habitual residents 400 kunas ($68) to extend their monthly health insurance benefits, a precondition to extending their residency permits. The UNHCR asserted that this condition was legally baseless and that the fees were prohibitively expensive for many refugees. During the year the UNHCR also noted that in 62 cases minority returnees - former habitual residents of Croatia (non-Croatian citizens who held pre-war domicile in Croatia) who returned post-war to Croatia several years ago - were listed as being a threat to national security by the Security and Intelligence Agency (SOA). This status made it impossible to naturalize and they faced expulsion. SOA acknowledged this problem and adjusted their system to exclude only known collaborators of terrorist organizations or groups that have worked against the interest of Croatia (such as direct counter intelligence against Croatia).

The UNHCR noted that many of these cases were resolved following the intervention of the SNV.

The government took steps to recognize legal and administrative documents issued by entities not under the country's control during the 1991-95 war. In July the government reported it received an estimated 24,330 applications for recognition and issued decisions in approximately 95 percent of the cases. During the year the government approved documents in approximately 55 percent of the cases it decided. International observers noted wide discrepancies between regional offices with average approval rates varying by as much as 50 percent; the variances brought into question the equity of the approval system. The government responded that the discrepancy was due to the lack of documentation available in some regions and took steps during the year to help claimants obtain this documentation, with limited success. During the year Croatia and Serbia met several times within a working group tasked to find adequate legal solutions for problems related to recognition of documents and pension issues. The countries agreed to accept an EU funded expert to help resolve this matter.

As of December, the Croatian government registered the return of 398,427 refugees and internally displaced persons (IDPs) since 1995, 132,921 of whom were minority Serbs. The UNHCR reported that 54 percent of these returns were permanent, while the remainder were either one-time or "commuter" returns. International organizations cited the poor state of the regional economy, including the lack of employment, and delays in receiving permanent housing for the former tenants of socially owned apartments (a dwelling where an individual had the right to reside but did not own) as the main obstacles to return.

The international community, including the UNHCR, expressed concern that changes to the law permitting the donation of state-owned housing to refugees had been implemented in a discriminatory manner, with the vast majority of beneficiaries being either Bosnian-Croats or local Croats with few, if any, ethnic Serbs or other minorities. At year's end the government had not addressed this concern.

During the year the government's program to resolve the claims of persons, mainly ethnic Serbs, who held tenancy rights in socially owned apartments prior to the war, but who lost these rights during or just after the war, continued slowly. According to the UNHCR, from 1995 through the end of November, the total number of requests for housing care stood at 14,688. Of the 8,715 approved requests, housing units have been allocated in 7,979 cases with allocation pending in the remaining 736 cases. Of the total number of requests, 4,804 were made for return to urban areas, among which 1,602 were approved. During the year the Ministry of Regional Development, Forestry, and Water Management completed its 2009 target of 2,070 housing units. The government added an additional 169 cases to this benchmark during the year, as certified by the UNHCR. In September Serb NGOs complained that the government lagged behind in setting any benchmarks during the years of 2010 and 2011, which the NGOs interpreted as a lack of commitment; however, the government portrayed its efforts as significant, particularly during dire financial times. The government projects its housing care benchmark for 2012 to 2014 will include the allocation of 2,150 additional housing units.

On March 3, the government adopted a decision on housing care for returnees who are former tenancy rights holders in urban areas (i.e., outside of war-affected areas). The government in November extended the deadline for applications for housing care in urban areas to April 30, 2012 as the number of applicants was lower than anticipated (i.e., approximately 500 families encompassing 1,500 individuals). The government conducted an information campaign that consisted of television broadcasts in Serbia and the distribution of 8,000 leaflets through NGO networks in the region. Serb NGOs, including the SNV, complained that these campaigns were insufficient and partly responsible for the relatively small number of applica-

tions. The government responded by making presentations, along with the UNHCR, to ethnic Serb refugee organizations in Banja Luka, Bosnia and Herzegovina, and Belgrade, Serbia.

To promote further the return of refugees, and to assist refugees who have already returned, at the end of 2010 the government initiated a program to permit returnees to urban areas to purchase state-owned flats below their market value. This same right was already provided to refugees who returned to less-developed, war-affected areas. However, no transactions were finalized as of December. The SNV welcomed this measure but was unsatisfied that by December clear criteria to measure the years spent as a refugee, which determines purchase price, were still not implemented and that costs were prohibitively high. The Ministry of Regional Development, Forestry, and Water Management in September forwarded to its 10 regional offices instructions on how to calculate these years. The government accepted an obligation to recognize refugee years beginning from the date refugees fled their apartments, signaling a willingness to accept indirect evidence of flight.

Internally Displaced Persons (IDPs).—As of September 2, there were 2,084 IDPs registered with the government; of these, 1,636 were ethnic Serbs. Since this number has not changed since 2008, the UNHCR questioned the accuracy of government figures. These ethnic Serbs were either awaiting recognition as being integrated into their current place of displacement or were waiting for reconstruction assistance from the state. The UNHCR reported in December that there were approximately 1,700 outstanding approved reconstruction assistance requests, most of which were filed by minority Serbs. The UNHCR expects this assistance will begin when the next regularly scheduled cycle of construction commences in 2012. There are 20 ongoing appeals for this assistance.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum and refugee status, and the government has a system to provide protection for refugees. The government reported 579 persons applied for asylum through September of the year; of these, seven persons were granted refugee status, and five received subsidiary protection (protection granted to an applicant whose situation is not covered by the 1951 Convention Relating to the Status of Refugees).

Croatia has a well developed asylum system and refugee status determination is conducted for all applicants. Croatia is still perceived as a transit country; with the majority of asylum seekers continuing their journey onward to the EU.

Safe Country of Origin/Transit.—The country did not reject asylum applications on the basis of the safe country of origin as the government has not developed a list of safe countries and continues to examine all applications on a case by case basis. According to the UNHCR office in Croatia, a number of third country nationals attempted to enter Croatia illegally, many former asylum seekers in Serbia. Unless these illegal migrants expressly request asylum in Croatia, Croatia returns the majority to Serbia on the basis of a bilateral re-admission agreement. According to the UNHCR, Serbia's asylum system functions poorly as it struggles to accommodate large numbers of applicants and continues to be the nexus for mixed migration flows from Greece and Turkey.

Nonrefoulement.—Instances of refoulement were not recorded in 2011. In law and practice the country usually provided effective protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Stateless Persons.—Citizenship is derived by birth in the country's territory or via one parent. The stateless population cannot be precisely assessed due to lack of comprehensive mechanisms for identifying statelessness. According to the UNHCR and Romani NGO estimates, there were 500 stateless Roma in the country and an additional 1,000 at risk of statelessness. Most stateless Roma were from other republics of the former Yugoslavia and had difficulty providing documents needed to register as Croatian citizens. Stateless Roma had problems accessing state services. The UNHCR estimated in September that there were 172 other persons at risk of statelessness in the country, mostly as a result of displacement during the wars in the region following the break-up of Yugoslavia.

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

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

Elections and Political Participation.—Recent Elections.—Parliamentary elections held on December 4 took place in a pluralistic environment and were administered

in a professional and transparent manner, according to the limited election observation mission of the OSCE Office for Democratic Institutions and Human Rights. The group noted, however, that further steps should be taken to improve the legal framework, particularly in reference to the voter list and relative constituency size.

Participation of Women and Minorities.—There were 33 women in the 151-seat parliament and four women in the 22-seat cabinet, including a deputy prime minister and the foreign minister. There were five women among the 13 Constitutional Court justices, including the president of the court and 20 women among the 40 Supreme Court justices, including the vice president.

The law governing gender equality requires that political parties balance the representation of genders on their candidate lists for local and national elections as well as in elections for seats in the European Parliament. By the next round of local elections due in May 2013, the share of either gender on candidate lists should be no lower than 40 percent. The law stipulates fines for the violation of this provision. Local NGOs criticized the law on the grounds that the fines were too small to be a deterrent and that the government rarely enforced previous laws for quotas. Female candidates made up 30 percent of the "Kukuriku" coalition candidate list that won parliamentary elections in December, while female candidates made up 22 percent of the HDZ list.

The law reserves three parliamentary seats for ethnic Serb representatives; five additional seats are set aside for the 21 other recognized national minority groups. All national minority voters may choose between voting in the general parliamentary elections and voting for candidates on their declared national minority list. Ethnic Serbs and other ethnic minorities in principle can win additional seats under this system if candidates of their minority group obtain sufficient votes in one or more of the regular voting districts. Mainstream, nonethnically-based political parties placed ethnic Serbs in some leading positions on their candidate lists. As a result, the new government has a number of ethnic Serb ministers including deputy prime ministers. According to records published by political parties at year's end, the parties remained within campaign spending limits; i.e. 15 million kunas ($2.6 million) total per party or coalition across Croatia's 10 districts.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the prosecutors and police generally implemented these laws effectively. World Bank governance indices indicate that corruption was a problem in the country.

Prosecutors from USKOK and the police Offices for Suppression of Corruption and Organized Crime were the country's main bodies responsible for fighting corruption. Specialized departments at the four largest county courts in the country heard organized crime and corruption cases. The Ministry of Justice's anticorruption sector continued to monitor the implementation of anticorruption measures throughout the government.

On July 18, former prime minister Ivo Sanader was extradited from Austria based on an investigative warrant against him. Sanader is accused of abuse of office and war profiteering when he served as deputy foreign minister in 1994 and 1995. Specifically, the state prosecutor has charged Sanader for accepting 7 million Austrian schillings in kickbacks ($658,000 at today's exchange rate) in exchange for facilitating a loan by Austria's Hypo Bank to Croatia for 140 million schillings ($13 million). Sanader's Hypo Bank trial opened on November 3. In a separate case, the prosecutor also charged Sanader with receiving 10 million euro ($13 million) in kickbacks from the Hungarian oil company MOL chairman in return for management rights over the Croatian oil company Industria Nafte (INA). The Zagreb County Court approved the INA-MOL indictment on November 7. On November 8, the court merged these indictments (Hypo Bank and INA-MOL), based on a prosecution request. The combined trial started on November 10.

While pursuing corruption allegations against Sanader in another investigation called the "Fimi Media" case, prosecutors uncovered evidence that the HDZ party allegedly used "illegally obtained funds" to finance party activities. The prosecutor's office initiated a criminal investigation against the HDZ party and brought an indictment on December 9 against the party as well as Sanader, former government spokesperson Ratko Macek, former HDZ chief accountant Branka Pavosevic, former HDZ treasurer Mladen Barisic, and several other defendants. Prosecutors alleged the group conspired to secure at least 31.6 million kunas ($5.4 million) in illegal funding for the HDZ and that Sanader received at least an additional 15 million kunas ($2.5 million).

In 2010, the last year in which figures were available, 1,101 individuals were reported to USKOK, and of the 1,101 reports, 925 were for corruption. Investigations against 249 of these individuals were initiated, 126 for corruption. A total of 302

individuals were indicted in 2010, 195 for corruption (this figure includes individuals whose investigations were opened in earlier years and 2010). In 2010 the courts pronounced verdicts for 514 individuals; 478 were convicted, or approximately 93 percent. In 2010, of 155 individuals tried for corruption, 140 (more than 90 percent) were convicted.

The law requires public officials to declare their assets. Most government officials complied, although there were questions as to the thoroughness and effectiveness of the system as well as imprecision in the types of assets covered.

The law provides the right of public access to government information; however, NGOs complained that the government did not implement the law efficiently or effectively.

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

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

U.N. and Other International Bodies.—On June 6, Prosecutor Serge Brammertz, from the Office of the Prosecutor (OTP) for the ICTY reported before the U.N. Security Council that, in general, timely and adequate responses were received from the government in ICTY's requests for witnesses and evidence. Brammertz noted, however, that "limited progress was made in locating missing military documents from Operation Storm," a large-scale military operation by the armed forces in 1995 against occupying ethnic Serb forces. Brammertz noted that, missing documents notwithstanding, the ICTY was on April 15 able to convict retired Croatian generals Gotovina and Markac of war crimes, including involvement in a "joint criminal enterprise" to expel ethnic Serbs, based on evidence submitted at trial. On December 7, Brammertz stated that "with no ongoing trials involving accused persons my office is making far fewer requests for assistance to the Croatian authorities." He noted that "the limited requests we have made were adequately dealt with by the department for cooperation with international courts." The OTP did express concern over statements from high-level Croatian authorities that "continue to glorify illegal wartime conduct and question the impartiality of ICTY judgments."

Government Human Rights Bodies.—In his annual report for 2010, issued in April, the ombudsman for human rights noted that there were 1,823 complaints, 168 more than in 2009. Most of the complaints concerned the length of court proceedings. The ombudsman also noted that administrative bodies, including state ministries, often stymied his work by failing to respond to his letters concerning citizen complaints. During 2010, in 275 unique cases, the ombudsman received an answer only after several months and repeated letters, while in another 62 cases he received no answer at all.

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

The law prohibits discrimination based on gender, age, race, disability, language, or social status; and the government generally enforced these prohibitions.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a crime punishable by one to 10 years' imprisonment. In cases of rape under aggravated circumstances resulting in death or pregnancy, or if the victim is a minor, sentences may be between three and 15 years.

By December total of 52 rape cases were registered by the police, of which about 96 percent were resolved. There were 14 attempted rape cases, of which about 85 percent were resolved. NGO officials estimated that for every reported rape, there were 15 unreported cases. On average, 100 to 140 cases of sexual violence and rape were reported annually. The NGO Women's Room stated that women frequently did not report rape, particularly spousal rape, because they lacked information about available legal protections, felt ashamed, wished to avoid social pressure and stigmatization, feared reprisal, or, in cases of spousal rape, were concerned about economic consequences. Victims also were reluctant to report rape, particularly spousal rape, because it was difficult to prove in court and because medical staff, police, and judicial officials were not trained to treat victims. Women's NGOs asserted that sentences for spousal rape tended to be lenient.

Violence against women, including spousal abuse, remained a problem. In 2010, 16 women and two minor girls were killed as a result of domestic violence. The killings received widespread media attention and immediate calls for government action.

The law provides that persons other than the victim, including police, may initiate a complaint of domestic violence, which is treated as a misdemeanor, but could be

deemed a felony depending on the severity of the act. Penalties range from fines of 1,000 to 50,000 kunas ($170 to $8,565) or up to 90 days in prison for misdemeanor offenses. Under the law perpetrators may face up to five years in prison for the same act if convicted of a felony. The new law on criminal procedure, which came in to full effect on September 1, improved the protection of rape victims. For example, the accused perpetrator's defense counsel is not allowed to question victims about their sexual past, and a prior relationship with the alleged perpetrator can no longer be considered. In addition, victims may choose to be interrogated by a woman or a man and may testify via video-link to avoid meeting the perpetrator. Police tended to classify domestic violence against women as misdemeanors, resulting in minimal sentences, particularly in cases of spousal rape. Police officers in most urban areas were trained to handle family violence and provide quick intervention, secure victims' safety, and remove alleged perpetrators from families. In rural areas police officers were generally less well trained to handle such cases.

According to a survey published in 2010 by Women's Room and the Office for Gender Equality, the majority of female victims of domestic violence criticized police, courts, and centers for social care as insufficiently helpful. These groups cited a heavy workload as well as a lack of training and space as the main obstacles to assisting victims.

Support for victims of domestic violence was limited. In general private donations financed most services. NGOs and local governments operated 17 shelters. In March seven NGOs led by the Autonomous Women's House running shelters for female victims of domestic violence launched an informal initiative to introduce a law that would secure consistent and permanent financing of these shelters. The government in conjunction with county, city, and civic organizations financed shelters and counseling centers for victims of domestic violence. The ombudsman for human rights reported that just over 2 million kunas ($343,000) was paid during the year to NGOs running shelters for victims of domestic violence. Hotlines, counseling, and legal assistance were available to domestic violence victims.

Sexual Harassment.—The law prohibits sexual harassment in the workplace; however, it remained a problem. According to trade unions, the problem was most pronounced in the textile, leather, trade, and catering industries. The ombudsman for gender equality and unions reported that her office worked on many sexual harassment cases, although many women were reluctant to take action due to fear of reprisal. In 2010 a court handed down the country's first conviction for sexual harassment in the workplace, sentencing one defendant to six months in prison for making repeated sexually harassing comments over a three-year period. A second defendant was given a four-month suspended sentence for harassing a female employee. Local union representatives believed the verdicts would set an important precedent.

Reproductive Rights.—The government generally respected the right of couples and individuals to decide freely and responsibly on the number, spacing, and timing of their children. Citizens generally had the information and means to do so free from discrimination, coercion, or violence.

According to the UNDP, the number of women reported to have HIV infections was significantly lower than that of men, but women and men were diagnosed and treated equally. However, women living in rural areas and working from home were believed to be less aware of the need for and location of testing than their male counterparts. Men and women were equally diagnosed and treated for sexually transmitted infections.

Discrimination.—Women generally held lower paying positions in the work force. In April the Croatian Statistics Bureau's annual report Women and Men in Croatia noted that women earned on average 12 percent less than men in most sectors, both private and public. Women were also more likely to be unemployed. Between October and December of 2010, the ombudsman for gender equality conducted a survey of three large Croatian companies which found a lack of women in upper management positions, even though women generally achieved a higher level of education than men.

The Office for Gender Equality was responsible for implementing the law on gender equality and formulating the government's gender policy; the ombudsman for gender equality monitored implementation of the law, including the submission of mandatory action plans for state institutions and public companies. In her annual report issued in April, the ombudsman noted that most individual discrimination complaints were related to labor and social rights, while complaints were primarily directed against state institutions and other legal persons rather than individuals.

On July 15, parliament adopted the National Policy for Gender Equality for 2011-2015. The policy introduced several new features, including a chapter on women in

sports that requires equal representation in management structures and better protection against violence in sports.

Children.—Birth Registration.—Citizenship is derived by birth in the country's territory or from one of the parents. Authorities register all births at the time of birth within the country or upon registration for births abroad. There were few reports that failure to register births resulted in denial of public services, including education and health care for children.

Romani children who are not Croatian citizens encountered difficulties in accessing rights derived from citizenship. Many Romani parents, particularly in settlements close to the borders with Serbia and with Bosnia and Herzegovina, including in Beli Manastir and Slavonski Brod, were citizens of another former Yugoslav republic and were often only able to acquire Croatian citizenship following a laborious, multi-year process. These parents, and their foreign-born children, had no rights to free health care or social assistance, although they generally did not face problems in enrolling in schools. While statistics were unavailable, the problem was believed to be widespread.

Child Abuse.—Child abuse, including sexual abuse, was a problem. In the first nine months of the year, the ombudsman for children reported 1,043 new complaints of individual violations of children's rights. In December 2010 the country joined the Council of Europe's 18-month campaign to curb the sexual abuse of children. The campaign used billboards, leaflets, and media to raise awareness, and included capacity building for police officers, teachers, medical, and social welfare workers to assist victims. The government continued its campaign launched in 2008 in cooperation with the Council of Europe to prevent corporal punishment.

Child Marriage.—While statistics were unavailable, child marriage was believed to be a problem in the Romani community. Common law marriages between persons 16 years of age and older were customary, often prompted by pregnancies. In some cases these marriages were made official when partners reached adulthood.

Sexual Exploitation of Children.—Statutory rape is included in the penal code, with the minimum age for consensual sex set at 14 years. Penalties for statutory rape range between one and eight years, but in aggravated circumstances, such as rape resulting in pregnancy or repeated sexual acts, the penalties range from five to 40 years. Filming or photographing children for pornographic material can be punished by a sentence of one to five years in prison, while exposing children to pornography may result in fines or a sentence of up to one year in prison.

In 2010, the last year for which data was available, the Office of Chief State Prosecutor received 27 reports of sexual intercourse with minors and children and convicted 19 persons for the crime. Prosecutors also had 86 reports and 79 convictions for lewd behavior involving a child or a minor, six reports and six convictions of abusing children for pornography, and 21 reported cases of child pornography on the Internet.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The country's Jewish community numbered approximately 2,300. Anti-Semitic vandalism and acts with anti-Semitic overtones were reported during the year.

On December 28, there were memorial masses in Zagreb and Split that many believe honored Ante Pavelic, the fascist head of the so-called "Independent State of Croatia," a quisling, fascist regime set-up by Nazi and Italian fascist occupiers during World War II. According to the United States Holocaust and Memorial Museum, Pavelic's Ustasha regime and Nazi occupiers were responsible for the deaths of between 330,000 to 390,000 Serbs, 32,000 Jews, and 26,000 Roma, as well as thousands of other civilians. An official with the Croatian Bishop's Conference stated that the masses were "privately organized." In response to the masses President Josipovic said, "we are aware of all crimes committed in the name of Ustasha ideology and have always condemned such phenomena. The entire state leadership, regardless of party affiliation, pays honor to the victims of Pavelic's ideology." Simon Wiesenthal Center Director Efraim Zuroff in Jerusalem condemned the ceremonies, and described them as "a shame for Croatia and the European Union."

On May 29, unknown persons sprayed anti-Semitic graffiti on the door, walls, and display window of the Jewish Community Center in Split. The graffiti also included the fascist slogan "Juden raus" ("Jews out" in German) and offensive references to current and former Croatian presidents Josipovic and Stjepan Mesic, both vocal opponents of fascism. The graffiti were signed with the name of the Split soccer team fan club Torcida and the ultra rightist Croatian Pure Party of Rights. Police investigated but reported no results by the end of the year.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred. The law provides for grants of 2,200 kunas ($377) in monthly compensation to the unemployed parents of children with disabilities. The law also provides compensation to foster care families.

During the year 862 persons with disabilities found employment, while 5,903 remained unemployed. Almost 68 percent of unemployed persons with disabilities were unemployed for more than a year.

The ombudsman for persons with disabilities reported the majority of complaints received by her office in 2010 involved welfare and pension payments (22 percent), accessibility (12 percent), followed by work and unemployment, legal matters, and health care (9 percent each). The ombudsman viewed the lack of community-based services and underdeveloped disability compensation as the main obstacles to implementing the National Plan for Deinstitutionalization and Transformation of Social Welfare Homes adopted in March. The office actively cooperated with NGOs dealing with persons with disabilities.

In a letter to former prime minister Kosor on January 20, Human Rights Watch and the Mental Disability Advocacy Center criticized the government for doing little to deinstitutionalize persons with intellectual or mental disabilities. According to the letter, 9,000 persons with intellectual or psychosocial disabilities remained institutionalized; this number is expected to increase.

The law mandates access to buildings for persons with disabilities; however, the government did not always enforce this provision, and the law did not mandate that existing facilities be retrofitted. While there were improvements in larger cities, access to public facilities for persons with disabilities remained limited.

National/Racial/Ethnic Minorities.—While constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma, particularly in the area of employment.

Ethnic Serbs are the largest minority ethnic group in the country, accounting for approximately 4.5 percent of the population according to the latest disaggregated census figures available from 2001. During the year ethnic Serb organizations received only isolated reports of physical assaults and vandalism directed against Serbs. Discrimination continued against ethnic Serbs in several areas, including the administration of justice, employment, and housing.

Ethnic Serbs in war-affected regions were particularly subject to societal harassment and discrimination. In July police pressed criminal charges against six ethnic Serbs in the village of Podgorje in the Gvozd municipality near the border with Bosnia and Herzegovina for violent behavior and threats to an ethnic Croat family. The alleged incident occurred during a birthday party at the local community center attended by Serbs, Croats, and Bosniaks. A Bosnian Croat couple called police to complain that some partygoers were singing Serb nationalist songs and had threatened ethnic Croat guests. Police initially found nothing wrong, but a week later interrogated and charged six ethnic Serbs. Serb minority media reported that the belated police actions were a result of pressure by local associations of Croatian war veterans.

Minority NGOs noted that hate speech against ethnic Serbs continued not only at sporting events, but also in print and electronic media including the mainstream press. Serb representatives also criticized a speech by then prime minister Kosor on August 5 at the ceremony marking Croatian Veterans Day as "dangerous hate speech." In the speech, Kosor expressed solidarity with Croatian generals Ante Gotovina and Mladen Markac, whom ICTY found guilty of crimes against humanity and war crimes in a first instance verdict.

Then minister of interior Tomislav Karamarko banned a monument prior to its October 2 unveiling in the village of Golubic, near Knin. The monument was planned by the Belgrade-based Association of Croatian Serb Refugees to commemorate ethnic Serbs killed or gone missing during the 1991-95 war. The minister cited fears that the monument would provoke ethnic disturbances in the area. A local Croatian veterans' branch claimed that the monument included the names of the ethnic Serb militia members, in addition to civilian victims.

According to Serb NGOs, local authorities sometimes refused to hire qualified ethnic Serbs even when no ethnic Croats applied for a position. Serb minority representatives said that affected persons seldom took such decisions to administrative courts, because proceedings can take years and a court decision in their favor would still not obligate the authorities in question to hire the applicant.

The law provides for proportional minority employment in the public sector in areas where a minority constitutes at least 15 percent of the population; however, the government for the most part did not observe the law in practice. In September Serb representatives noted that ethnic Serbs continued to be underemployed in government agencies, seldom reaching one percent, except in the Ministry of Justice (1.53 percent) and Ministry of Culture (1.23 percent). In 2010 the SNV issued a survey showing that the number of ethnic Serbs employed in state administration and the justice sector has been in decline since 2008.

While ethnic minorities have the right to establish schools, seven ethnic Serb elementary schools applied for but did not receive official recognition as of September due to administrative obstacles that ethnic Serb NGOs considered a sign of a lack of political will on the part of the government. This lack of official recognition made normal scholastic operation difficult.

Ethnic Serb representatives noted that amendments to the law on free legal aid did not make legal assistance readily available to concerned citizens, especially ethnic Serbs living in war-affected rural areas in central Croatia. Similarly, some ethnic Serb owners of damaged homes reconstructed by the government awaited years to be connected to electricity or water supplies, even though such services were available in nearby neighborhoods inhabited by Bosnian-Croat settlers who relocated to Croatia during or after the war.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only 9,463 persons declared themselves to be Roma in the most recent, i.e., 2001 census, officials and NGOs estimated that the Romani population was between 30,000 and 40,000.

In 2010 three off-duty police officers severely beat a 20-year-old Roma at a gas station in Karlovac. In June the Karlovac Municipal Court convicted one of the officers and gave him a one-year suspended sentence.

Roma faced widespread discriminatory obstacles, including in citizenship, documentation, education, employment, and language. According to the Council of Europe, only 6.5 percent of Roma held permanent jobs in the country, while the government estimated 20,000 to 30,000 Roma received some form of social assistance; roughly more than 90 percent of Roma were believed to reside in Croatia. According to the government office for national minorities, Roma social development indicators differ significantly throughout Croatia with approximately 98 percent unemployment in the Medjimurje region, compared with 15 percent in Rijeka.

While education is free and compulsory through the eighth grade, Romani children faced serious obstacles in their education, including discrimination in schools and a lack of family support. According to the Ministry of Science, Education, and Sports, the number of Romani elementary students increased to 4,723 in 2010-2011 up from 4,435 reported in 2009-10. There are 4,915 Romani children registered for the 2011-2012 school year. The number of Romani children enrolled in preschool education for the 2010-11 school year was 799, a 36-percent increase over the 588 enrolled during the previous year. The number of Romani high school students enrolled in the 2011-12 was 425, a 33 percent increase over the 327 enrolled during the previous year. The government co-funded approximately 776,000 kunas ($133,000) for kindergarten and preschool fees during the 2010-11 academic year for 400 children across 49 kindergartens. The government distributed 363 scholarships to Romani students in high school, while the number of Romani students receiving scholarships for university-level studies slightly increased to 29 from 26 in the previous school year.

In March 2010 the ECHR ruled that the state had discriminated against 15 Romani students from Medjimurje who were placed in separate Roma-only classes. In response to the decision, in September 2010 the government for the first time introduced and fully funded an extended 10-month preschool program for some 200 children in Medjimurje. This program continued during the year. Nationally, the government promoted the employment of Roma by reimbursing two-year's salary to employers who hired Romani workers. The government joined the EU in building infrastructure in Romani settlements in the Medjimurje region where there is a significant Romani population. By September the government had contributed 5.2 million kunas ($891,000) to EU projects in five settlements in the area. In August the government signed a contract to renew infrastructure in two remaining Romani settlements in Medjimurje, in which it provided $675,000, or 25 percent of the total funding.

The National Minority Council received approximately 42 million kunas ($7.2 million) for minority associations' cultural programming, including printing communications materials, during the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There was an increase in societal violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons.

On June 11, the first LGBT Pride march in Split took place. Media reported that up to 10,000 anti-gay counter-protesters vastly outnumbered the marchers. Pride organizers warned local and government police that anti-gay groups were plotting violence and spreading hate speech via graffiti, leaflets, and the Internet, including on Facebook, where thousands voiced their discontent with the event. The organizers claimed that officials ignored these warnings and that police were sympathetic to the protesters. Organizers further claimed that police initially prevented them from gathering for the march. According to the marchers and video from the event, police allowed the protesters to pen in the marchers, who numbered in the hundreds. The organizers claimed police permitted protesters to collect projectiles in plain view along the entire route of the parade. The marchers were pelted with incendiary devices, bricks, large rocks, eggs, tomatoes, and ashtrays. Marchers received taunts of "death to faggots," "gypsies," and "we'll kill you," and some anti-gay protesters gave fascist salutes. Police arrested more than 100 anti-gay protesters. President Josipovic and then prime minister Jadranka Kosor condemned the violence, but Split Mayor Zeljko Kerum said afterwards that marchers should have expected the reaction they received. The government's Office for Gender Equality, which financed gay Pride events in Split and Zagreb, also condemned the violence.

Following the Split event, the 10th annual gay Pride parade was staged in Zagreb. Approximately 4,000 marchers, including prominent politicians, participated in the rally. There were 17 reported arrests for disorderly conduct, and media reported that it was the best-attended and best-protected Pride event in the country's history.

Societal discrimination against LGBT persons frequently was manifested by insults, stereotypical jokes, and societal prejudices. According to LGBT NGOs, the International Football Federation (FIFA) fined Vlatko Markovic, president of the Croatian Football Association, for stating that, while he is president, gay men will not play soccer for the country's team.

Other Societal Violence or Discrimination.—Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) reported dentists and general practitioners at times refused to treat HIV-positive patients, and some hospitals postponed surgery because doctors were reluctant to operate on them. HIV-positive patients who did not go through the infectious disease hospital were often made to wait for treatment, and doctors sometimes delayed surgery indefinitely. There were allegations that transplant centers refused to place HIV-positive patients on their lists of potential organ recipients. Additionally, HUHIV stated that many HIV-positive patients' right to privacy had been violated while other patients feared their HIV status would be shared without their consent.

While HUHIV does provide an anonymous hotline, they stated that the lack of public assistance for hotlines for HIV-positive patients was a problem. According to the U.N. theme group on HIV/AIDS and HUHIV, some of the country's laws contain discriminatory provisions against HIV-positive individuals. There are legal provisions that proscribe testing under medical supervision for certain professions and, in certain cases, restrict employment for prisoners and HIV-positive persons. Although the number of cases is low, HUHIV indicated that cases of discrimination are due to insufficient enforcement of privacy laws, lack of consistent, adequate medical care, and discrimination in school or the workplace. HUHIV specifically criticized regulations forbidding HIV-positive persons from working as police officers. It asserted that the lack of appropriate sex education in schools led to discrimination and stigmatization of persons with HIV/AIDS, and children often had incorrect perceptions about the risk of contracting HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—Most workers, including police but excluding active military personnel, are entitled by law to form or join unions of their choice without previous authorization or excessive requirements. However, the International Trade Union Confederation (ITUC) noted that the overwhelming majority of recently employed workers are employed on a short-term basis and fear their contracts will not be renewed if they attempt to unionize. Moreover, the ITUC claims the government used the pretext of EU requirements to introduce labor market liberalization to the detriment of worker rights. The law provides for the right to strike and to bargain collectively but with some limitations. Workers may strike only at the end of a contract or in specific circumstances cited in the contract after they have gone through mediation. When negotiating a new contract, workers are also required to go through mediation before striking. Labor and management must jointly agree on a mediator if a dispute goes to mediation.

If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court.

In general workers formed and joined unions freely in practice. However, approximately 11 percent of the country's workers were on fixed-term contracts with employers. Manual labor and retail employees were primarily affected, and many employers hired new workers for a trial period of typically three months but no more than three years. Employees with temporary contracts did not enjoy the same benefits as other employees. For example, temporary employees could not easily access bank loans or open lines of credit. Workers on temporary contracts generally did not form or join labor unions.

Unions generally were independent of the government and political parties, although the Labor party, which in December won six seats in parliament, is headed by former Independent Croatian Union leader Dragutin Lesar. In practice workers exercised their right to strike during the year. However, incidents of union-related harassment and firing of employees occurred, and the inefficiency of the court system seriously delayed and discouraged citizens' attempts to seek redress through the legal system. According to ITUC's Annual Survey of Violations this right is abridged, with small enterprises not upholding the right to collective bargaining.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were incidents in which adults and children were subjected to forced begging and labor, including migrant men in the agricultural sector.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for the employment of children is 15 years. Minors under the age of 15 may work if they receive prior approval from the state labor inspectorate and if it is determined that the child is not expected to suffer physically or mentally from the work. Approval is usually requested for filming movie scenes or for theatrical rehearsals and performances. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions. Labor law amendments that went into effect on January 1 further impose strict regulations on the employment of minors, forbidding their employment in work environments that could pose health threats. The Ministry of Economy, Labor, and Entrepreneurship, in conjunction with the ombudsman for children and the State Labor Inspectorate, is responsible for enforcing this regulation.

In 2011 the State Labor Inspectorate recorded 51 violations of labor-related laws involving children under the age of 17. Of these violations, one involved children under the age of 15. Violations occurred mainly in the hospitality, tourism, retail, food, industrial, services, and construction sectors and were related to working overtime or past curfew and wage miscalculations.

The law proscribes the worst forms of child labor, including trafficking in children. The national ombudsman for children coordinated the country's efforts to prevent the exploitation of children and assist in removing children from exploitative situations. The labor inspectorate has 111 inspectors whose duties include inspection for illegal employment of minors. The inspectorate forwarded all cases of violations involving minors to the Office of the Ombudsman for Children. Criminal cases were prosecuted by the State Prosecutor's Office and often resulted in convictions. Children, particularly from the Romani community, continued to be exploited in the worst forms of child labor, including agriculture and forced begging.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The minimum wage as determined by the government is 2,814 kunas ($482) per month; the net minimum monthly wage is between 2,000 and 2,200 kunas ($342 and $377), depending on exemptions. The government's official monthly income poverty line is 2,100 kunas ($360) for single households and 4,410 kunas ($755) for a four-person household. The government enforced the minimum wage.

Nonpayment and wage arrears as well as nonpayment for overtime and holiday work continued to be a problem. According to the labor inspectorate, the law no longer requires that records be kept of the number of persons who did not receive payment of their salaries. However, workers have the right to bring court proceedings against employers who did not issue pay slips to their employees. Since 2009 numerous companies were not able to make payment to their workers. The Ministry of Finance estimated that 18,000 to 25,000 people did not receive their sal-

aries at some point in 2010. However, a prominent union representative stated that this trend is declining.

The inspectorate reported that it shut down 650 firms for periods of at least 30 days during 2010 for labor law violations regarding illegal work. Violations included employing local and foreign workers without work permits, employing workers not registered with the pension fund, and employing workers not registered with a health insurance agency. The labor inspectorate noted that, although its officers continued to increase their inspections and reporting of violations, the courts did not hand down punishments commensurate with the seriousness of the violations, and therefore the inspectorate's actions were ineffective. The inspectorate intensified cooperation with the Ministry of Interior, which led to increased inspections and resulted in greater numbers of violations identified in 2010.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30-minute break daily, one day off out of seven, and a minimum of four weeks of paid vacation annually. The law entitles workers to time-and-a-half pay for overtime and limits overtime to eight hours per week. The labor inspectorate must be notified if overtime work by an employee continues for more than four consecutive weeks or for more than 12 weeks during a calendar year or if the combined overtime of employees of an employer exceeds 10 percent of the total working hours in a particular month. Pregnant women, mothers with children less than three years of age, and single parents of children under six years of age may work overtime only if they freely give written consent to perform such work. An amendment to the labor law that went into effect on January 1 further requires pregnant women to obtain a note from a doctor indicating their fitness to work overtime and that such work would not adversely affect their health or that of the fetus.

In 2010 the inspectorate processed 15,776 violations of the labor law. After processing, the inspectorate sent 6,736 violations to misdemeanor courts for proceedings. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. In 2010 authorities sent 19 criminal proceedings against employers to municipal prosecutors.

The government set health and safety standards, which the Health Ministry enforced; its inspectorate has jurisdiction over enforcement of health and safety laws in the workplace. In practice many industries often did not meet worker protection standards. In 2010 the inspectorate initiated 3,428 requests for misdemeanor proceedings covering 6,736 violations of safety standards. During 2010 courts handed down 4,944 decisions for misdemeanor acts involving workplace safety, primarily involving 2007-2008 cases. The inspectorate expressed concern that of the 11,932 misdemeanor cases relating to worker safety reported over the past few years, 4,351 have been thrown out of court due to surpassing the statute of limitations.

CYPRUS

Since 1974 the southern part of Cyprus has been under the control of the government of the Republic of Cyprus, while the northern part, administered by Turkish Cypriots, proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC") in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. A substantial number of Turkish troops remained on the island. A buffer zone, or "green line," patrolled by the U.N. Peacekeeping Force in Cyprus (UNFICYP), separates the two parts.

EXECUTIVE SUMMARY

The Republic of Cyprus is a constitutional republic and multiparty presidential democracy. On May 22, 56 representatives were elected to the 80-seat Vouli Antiprosopon (House of Representatives) in free and fair elections, and in 2008 President Demetris Christofias was elected in free and fair elections. Security forces reported to civilian authorities.

The most significant problems during the year were reports of police abuse and degrading treatment of persons in custody and asylum seekers; violence against women, including spousal abuse; and instances of discrimination and violence against members of minority ethnic and national groups.

Other problems during the year included prison overcrowding; a few reports of societal abuses or discrimination based on religious affiliation, belief, or practice; and several incidents of violence against children. Trafficking in persons for sexual exploitation continued to be a problem, and trafficking for labor was also reported.

The government generally investigated and prosecuted corruption and abuse cases against officials but cases usually moved at a slow pace.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; there were reports, however, that police abused detainees. There continued to be reports that police engaged in heavy-handed tactics and degrading treatment of suspects. The Independent Authority, an independent committee appointed by the Council of Ministers, had the authority to investigate complaints of police bribery, corruption, unlawful financial gain, violation of human rights, abuse of power, preferential treatment, and conduct unbecoming of police officers.

There were several allegations of police abuse during the year. For example, on April 26, Politis newspaper reported that police, acting on a narcotics tip, intercepted and searched a car with three 19-year-old men inside. According to the press report, police did not find any narcotics but beat two of the passengers. The men received treatment at Famagusta Hospital, but the medical staff allegedly refused to give them a medical report without police instructions. The newspaper's sources were reportedly other police officers who participated in the operation but disagreed with the mistreatment of the men. The officers claimed the officer in charge threatened to transfer them to a less favorable position if they reported the abuse. The police reported that although no official complaint was submitted, the deputy attorney general appointed a criminal investigator to the case and the investigation was pending at year's end. The police were simultaneously investigating a case of traffic violations and violation of the Narcotic Drugs and Psychotropic Substances Law against the three passengers.

On February 19, the Nicosia Criminal Court sentenced eight police officers involved in the 2005 beating of two students to prison for two months to one year, but it suspended those sentences for three years, stating that if the defendants commit any crimes within that three-year period, they will be required to serve the sentence. The officers had been acquitted by a court in 2009, but the attorney general appealed the decision, and the Appellate Court ordered a retrial. In a separate process in April, the police disciplinary committee fined 10 officers involved in the incident, including the eight sentenced by the court, suspending their pay for periods of one to eight days, based on the severity of the charges. The assistant chief of police appealed the disciplinary committee decision. The appeal was pending before the Appeals Board at year's end.

During the year the ombudsman and nongovernmental organizations (NGOs) received complaints that police subjected inmates to physical abuse and discriminatory treatment. The ombudsman reported that during the year her office received one complaint from a prisoner concerning physical violence allegedly committed by prison officials and one complaint of physical violence and degrading treatment allegedly committed by police officers in detention centers. The first complaint was investigated and the ombudsman found there was insufficient evidence to conclude that the prisoner was abused. The ombudsman halted the investigation of the second complaint when the complainant signed a statement denying police mistreatment. However, the ombudsman prepared a report noting that the prison management had asked the prisoner to sign the statement and urged the prison management not to repeat such a practice. The ombudsman prepared a report on systemic violence against prisoners by prison officials, to be included in her 2011 annual report on the National Preventive Mechanism under the Optional Protocol to the U.N. Convention against Torture (OPCAT). In 2010 the ombudsman's office investigated 13 complaints of physical violence against prisoners. Of those, one complaint resulted in a report to the Independent Authority, which brought the case before the attorney general; one complaint was transferred to the OPCAT unit and was still under investigation; one complaint was still under investigation by the ombudsman; eight were found to be unsubstantiated; and two investigations were terminated for reasons that were not specified.

Prison and Detention Center Conditions.—During the year overcrowding remained the Nicosia Central Prison's greatest problem. Prison authorities acknowledged that many of the prison buildings were constructed prior to 1960 and in need of renovation. In a September report the ombudsman stated that overcrowding had become a permanent problem and had a negative impact on prisoners' living conditions. The

prison's capacity was 520, but at times it housed up to 710 inmates. Extension and renovation works completed in 2011 added 89 new cells to the prison. Approximately 62 percent of the prisoners were non-Cypriots imprisoned for illegal entry, stay, and employment, as well as theft, burglary, and other offenses. Community service is an option for nonviolent offenders.

On September 28, a 40-year-old detainee, held on suspicion of robbing a church, hanged himself in his cell in a detention center in Limassol. The Independent Authority was investigating the conditions of his death at year's end. On October 16, a Georgian national, held on a detention and deportation order for living in the country illegally, was found unconscious in his cell in Nicosia's Lakatamia Detention Center. He was transferred to the hospital where he was pronounced dead. A police spokesman stated there was no suspicion that a crime had been committed. A forensic post mortem examination did not reveal the cause of death. The results of a histological examination expected to determine the exact cause of death were pending at year's end. The deceased had spent two months in the center. The chairman of the House of Representatives Committee on Legal Affairs, Ionas Nicolaou, criticized police for holding foreign prisoners in detention centers for extended periods of time. Nicolaou stated that cells in detention centers were too small, lacked natural light, and were likely to cause serious health problems for detainees held there for more than a few days.

Inmates in the Central Prison during the year included 447 females, one of whom was a juvenile, and seven male juveniles. Juveniles were held separately from adults, women separately from men, and pretrial detainees separately from convicted prisoners. The ombudsman investigated two complaints by Turkish Cypriot prisoners made in 2009 that they were subjected to discriminatory treatment at the Central Prison, and found them unsubstantiated at the conclusion of the investigation in 2011. In 2010 the ombudsman examined a complaint that female inmates were treated unequally because they were not given the option to serve their prison sentences or portions of them in the Open Prison or the Out of Prison Employment Center as was the case with male inmates. Restoration work completed in 2011 allowed women inmates to serve part of their sentence in the Open Prison. Turkish Cypriots who lived in the area under Turkish Cypriot administration were admitted to the Open Prison but were granted exit permits only with an escort.

An NGO reported in August that it received multiple complaints of police brutality against foreign detainees held in detention centers in Larnaca, Nicosia, and Paphos and complaints of discrimination in the Central Prison. The NGO reported that police officers also verbally abused foreign detainees using derogatory language about their ethnicity and religion. Foreign detainees were reportedly tasked with heavier work than local prisoners, were not informed about the full extent of their visitation rights, and in some cases, unable to receive visits from their families.

The ombudsman reported that overcrowding posed great challenges to maintaining the absolute separation of convicted criminals from pretrial detainees and that long- and short-term prisoners were held together. According to the ombudsman, overcrowding had serious repercussions on the health of both prisoners and staff due to the lack of sufficient hygiene facilities and a health center. Also, prisoners with mental health problems did not receive specialized treatment. During the year prison management implemented the ombudsman's recommendation to operate a special rehabilitation program for drug addicts within the prison. Prison authorities confirmed that overcrowding prevented separation of prisoners by health condition. Community service is an alternative to prison confinement for nonviolent criminals.

Prisoners in the Central Prison had access to a church and a mosque, and prison management stated that it made every effort to facilitate religious observance. Detention centers did not have facilities for religious observance. Prisoners and detainees could submit complaints to the ombudsman without censorship. The ombudsman reported one case of a prisoner who was asked by prison management to revoke the complaint.

The ombudsman reported in October that an investigation deemed conditions in Famagusta detention center incompatible with international standards and conducive to inhumane and degrading treatment of detainees. The detention center lacked basic hygiene components, and toilet paper, soap, and shampoo were available only on demand. There was no exercise area, and detainees were confined 24 hours a day in their cells. Due to the lack of a proper visitors' room, detainees were handcuffed when they received visitors. The ombudsman recommended the immediate closing of the detention center.

Construction work was underway during the year to increase capacity and improve sanitary conditions at the Central Prison.

The government permitted prison visits by independent human rights observers, and such visits, unrestricted and unannounced, occurred during the year. The om-

budsman and the prison board visited Central Prison on a regular basis. The Human Rights Committee of the House of Representatives also visited the prison and examined the living conditions of the detainees. After a visit on March 2, the Human Rights Committee underlined that the problems its members observed in previous years, such as overcrowding, lack of staff (especially medical staff), and inadequate training of existing staff remained unresolved.

In 2008 the Council of Europe's Committee for the Prevention of Torture (CPT) conducted one of its periodic spot checks. CPT representatives visited several sites, including the Central Prison, the psychiatric unit in Athalassa, and several police stations, and privately interviewed detainees and prisoners. The CPT's report on the visit had not been released by the end of 2011.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The police enforced the law and combated criminal activity. The Greek Cypriot National Guard (GCNG), backed by a contingent of Greek military forces, the Hellenic Force in Cyprus, protected national security. The GCNG reports to the Ministry of Defense, which reports to the president. The police report to the Ministry of Justice and Public Order. The president appoints the chief of police. The police force is composed of a headquarters with six functional departments, six geographic district divisions, including one inactive district for the area administered by Turkish Cypriots, and seven police units that provide specialized services. One case alleging serious police corruption was before the court.

The Independent Authority appoints independent investigators from a list submitted by the attorney general to look into complaints. On January 25, the chairman of the Independent Authority stated that police refused to hand over complete case files, hampering the authority's ability to conduct objective investigations.

According to its June report, 137 complaints were submitted to the Independent Authority in 2010, a 22 percent increase over 2009. One complaint concerned alleged police corruption and complicity, 63 complaints alleged violation of human rights; and 63 complaints claimed favoritism or behavior on the part of police that undermined police standing in society. Ten complaints were deemed outside the scope of the authority and not investigated. The Independent Authority appointed criminal investigators in 60 cases: In four cases investigators recommended criminal prosecution of the police officers involved to the attorney general, and the attorney general concurred with three of the recommendations; in 30 cases there was no evidence of criminal or disciplinary offenses; in two cases investigators recommended that the chief of police initiate a disciplinary process; in three cases the investigation was suspended because the complainants did not give a statement; one complaint was withdrawn; and 20 cases were under investigation at year's end. In the remaining cases received in 2010, the Independent Authority conducted 25 preliminary investigations, referred 17 cases to the chief of police for handling, and had requested and was awaiting additional information in 22 cases. Three of the cases were withdrawn by complainants. In the first 10 months of the year, the Independent Authority received 117 complaints.

During the year the Independent Authority recommended to the attorney general the prosecution of police officers allegedly involved in three criminal cases. The attorney general ordered the prosecution of the police officers involved in one of those cases. An examination as to whether the prosecution of the police officers involved in the other two cases was warranted was pending at year's end. During the year police investigated 26 criminal cases against members of the force. At the end of the year, 18 of those cases were still under investigation, six were pending trial, one case was completed and the defendant fined, and one case was withdrawn at the instruction of the attorney general. Of the 11 cases pending investigation at the end of 2010, two resulted in the resignation of the police officers involved, two were pending trial, four were still under investigation, and one was dropped by the court. In the two remaining cases, prosecution of one was suspended on the instruction of the attorney general while, in the second, it was concluded that no crime was committed.

On March 15, police arrested the deputy chief of the Police Aliens and Immigration Service as a prime suspect in a case of trafficking for sexual and labor exploitation of Chinese women at an illegal Nicosia brothel. The suspect was released on bail but rearrested in October for attempting to influence witnesses in the case. The trial was under way at year's end.

Arrest Procedures and Treatment While in Detention.—The law requires judicially issued arrest warrants, and authorities respected this requirement in practice. Persons may not be detained for more than one day without referral of the case to a

court for extension of detention. Most periods of investigative detention did not exceed 10 days before formal charges were filed. The attorney general generally made efforts to minimize pretrial detention, especially in cases of serious crimes. Attorneys generally had access to detainees. Bail was permitted. The government claimed the right to deport foreign nationals for reasons of public interest, regardless of whether they had been charged with, or convicted of, a crime. While lengthy pretrial detention was not a problem, trial delays were common and partially caused by lengthy legal procedures, which resulted in an accumulated workload for the court system.

While authorities detained aliens without identity documents when they did not know where to deport them, the government's policy was not to hold such persons long term in detention centers. Instead, if deportations could not be executed in a reasonable amount of time—generally six months—the government's policy was to release undocumented migrants and rejected asylum seekers and give them residence permits for a limited period, provided they had not been found guilty of a crime. Residence and employment permits were renewable provided the released detainees signed a contract of employment approved by the Department of Labor. On October 24, the press reported that a group of 52 foreign detainees in Central Prison's Block 10 staged a hunger strike protesting the length of their detention. An NGO reported that a number of undocumented foreigners arrested for illegal stays in the country remained in long-term detention. One foreigner who had been previously detained for over three years was released in 2010, only to be rearrested four months later. According to the NGO, the detainee attempted to commit suicide. At least one additional long-term detainee reportedly attempted suicide. The same NGO reported that undocumented aliens were only released if they signed a document consenting to the issuance of travel documents by their home country. The NGO also reported that released detainees did not have access to health care or social benefits and were not entitled to permanent residency permits unless they had a job.

e. Denial of Fair Public Trial.—The law and constitution provide for an independent judiciary, and the government generally respected this provision in practice.

Most criminal and civil cases begin in district courts, from which appeals may be made to the Supreme Court. There are no special courts for security or political offenses. There are military tribunals that have jurisdiction over members of the GCNG.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The constitution provides for public trials, and defendants have the right to be present and to consult with an attorney in a timely manner. Jury trials are not used. An attorney is provided for those who cannot afford one, and defendants have the right to question witnesses against them and present evidence or witnesses on their behalf. The law also provides that defendants and their attorneys have access to government-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The government generally respected these rights in practice.

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

Regional Human Rights Court Decisions.—During the year the European Court of Human Rights (ECHR) issued one judgment that found the country in violation of a provision of the European Convention on Human Rights. There were no reports that the government failed to comply with ECHR decisions.

In January 2010 the ECHR ruled in Rantsev v. Cyprus and Russia that Cyprus failed to protect 20-year-old Russian cabaret artist Oxana Rantseva from human trafficking and failed to conduct an effective investigation into the circumstances of her death in 2001. The government made a unilateral declaration before the court acknowledging that it had violated the convention and offered to pay pecuniary and nonpecuniary damages to the applicant. The attorney general opened a new investigation into the case in 2009, which continued at year's end.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, permitting claimants to bring lawsuits seeking damages for or cessation of human rights violations, and citizens successfully availed themselves of it. Individuals could appeal cases involving alleged human rights violations by the state to the ECHR once all avenues of appeal in the domestic court system had been exhausted.

Property Restitution.—According to a law enacted in 1991 and amended in 2010, the minister of interior is the guardian of the properties of all Turkish Cypriots who

do not have their permanent residence in the government-controlled part since 1974. Ownership remains with the original owner, but the sale or transfer of Turkish Cypriot property under the guardianship of the minister of interior requires the approval of the government. The minister of interior has the authority to return properties to Turkish Cypriot applicants after examining the circumstances of each case. Owners can appeal decisions of the minister of interior at the Supreme Court.

Turkish Cypriots have filed a total of 104 court cases, 20 of them during the year, to reclaim property located in the Republic of Cyprus. The Supreme Court issued judgments in five cases concerning Turkish Cypriot properties that were under the guardianship of the Ministry of Interior, and one decision was issued by a civil court. The Supreme Court found it did not have jurisdiction in three of the cases; in the two remaining cases, the court ruling upheld the right of guardianship. The Civil Court rejected the owner's claim that the guardian's interference with his property constituted trespass.

In September 2010 the ombudsman, in her capacity as the authority with oversight in matters involving racism and discrimination, reported that the examination of two complaints submitted by Turkish Cypriots revealed that the state was discriminating against Turkish Cypriot property owners and restricting their property rights. Both Turkish Cypriots had applied to the Land Registry Department to secure title deeds for their properties in the government-controlled area and were told that they needed the prior approval of the Ministry of Interior. The ombudsman recommended abolition of the 1963 law that restricts the property rights of Turkish Cypriots for reasons of public safety. The attorney general studied the recommendation and decided against the abolition of the law.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

Academic Freedom and Cultural Events.—There were generally no government restrictions on academic freedom or cultural events, but certain oversight efforts threatened academic independence and activities. The government continued to exert political pressure on universities to refrain from any contact with universities in the Turkish Cypriot community because the government considered them illegal.

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within government-controlled areas, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The government did not restrict Greek Cypriots from traveling to the area administered by Turkish Cypriots, but it generally advised them against spending the night at Greek Cypriot properties, gambling in the area administered by Turkish Cypriots, or buying or developing property there.

The government allowed EU citizens and citizens of other countries not subject to a visa requirement, who entered from ports of entry in the area administered by Turkish Cypriots, to cross the green line into the government-controlled area; the government maintained, however, that all ports of entry in the area administered by Turkish Cypriots are illegal.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Members of each community were required to obtain

insurance coverage in the community where they planned to drive their vehicles. Turkish Cypriots flew in and out of Larnaca and Paphos airports without obstruction. The government issued 7,650 passports to Turkish Cypriots during the year.

Internally Displaced Persons (IDPs).—The government considered Greek Cypriots displaced as a result of the 1974 division of the island refugees, although they fell under the U.N. definition of IDPs. At year's end, these individuals and their descendants numbered 202,334. Depending on their income, they are eligible for financial assistance from the government. They have been resettled, have access to humanitarian organizations, and were not subject to attack, targeting, or mandatory return under dangerous conditions.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. During the year 53 persons were recognized as refugees.

In contrast to previous years, refugees and NGOs did not report that any asylum cases were closed without consideration or receipt of a government response. NGOs and asylum seekers alleged that the Nicosia District Welfare Office continued to be inconsistent in the delivery of benefits to eligible asylum seekers. The ombudsman continued to receive such complaints and reported that in many cases the allegations were well-founded. To remedy the situation, the ombudsman proposed modifying the Public Subsidies Law. An NGO and the ombudsman reported that the 2011 decision of the House of Representatives to review, monthly, benefits granted to non-Cypriot beneficiaries before releasing the funds, caused two- to three-month delays in the delivery of such benefits.

The NGO Action for Equality, Support, Antiracism (KISA) claimed that authorities detained and deported asylum seekers whose applications had been rejected and who were appealing the decision, before the Supreme Court undertook a final adjudication of their applications. KISA and the ombudsman also reported complaints from asylum seekers concerning difficulties in accessing the asylum application procedure and delays in the examination of their applications.

Employment.—The government granted individuals determined to be refugees permission to stay and gave them temporary work permits, but it did not grant permanent resettlement rights. The law allows asylum seekers to be employed in fisheries, the production of animal feed, waste management, gas stations and car washes, freight handling in the wholesale trade, building and outdoor cleaning, distribution of advertising and informational materials, and food delivery. However, KISA claimed the Labor Office refused to approve and renew labor contracts for asylum seekers outside the farming and agriculture sector.

Asylum seekers whose cases were awaiting adjudication were allowed to work after residing six months in the country, but they were limited to the areas permitted by law. During the six-month period, asylum seekers had access to a subsistence allowance and could live in one of three reception centers for refugees located in Kofinou, Larnaca, and Paphos. There were complaints regarding the remoteness and lack of facilities at Kofinou, but improvements were made in the areas of psychological support, activities for children, and transport. The government operated the center under a private-public partnership with a university. For the other two reception centers, Onissilos reception center in Larnaca and Agapinor reception hotel in Paphos, the government contracted services from a private company.

Access to Basic Services.—Asylum seekers who refused an available job could be cut off from state benefits. To obtain welfare benefits, asylum seekers had to have a valid address, which was impossible for many who were homeless. KISA reported delays in the delivery of checks to asylum seekers who were eligible for benefits. According to NGOs, asylum seekers reported discrimination in the provision of state medical care. On February 10, a group of Palestinians with recognized refugee status stormed the district welfare office in Larnaca, complaining about delays in the delivery of their monthly allowances. The protesters beat an on-duty police officer. Eleven Palestinians were arrested and formally charged. The minister of interior announced that four would be deported and the rest subjected to local law.

Following a government inquiry into the 2010 death of a diabetic Congolese asylum seeker whose social welfare benefits were discontinued three months after he refused to take a job offer, the Ministry of Labor changed the procedure for handling similar cases. Asylum seekers with a medical condition rendering them unable to work or able to perform only light work are referred to a medical board for assessment and are entitled to public assistance while awaiting a decision. Two cases resulting from the death of an asylum seeker who allegedly did not receive timely medical treatment in 2009 were still pending.

Durable Solutions.—The government provided funding to a local university and an NGO for educational services aimed at helping recognized refugees and asylum seekers integrate into society and also to a local NGO to help victims of torture.

Temporary Protection.—The government provided temporary protection to 16 individuals whose refugee status was under determination during the year.

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

The law and constitution provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. In national elections only those Turkish Cypriots who reside permanently in the government-controlled area are permitted to vote and run for office. In elections for the European Parliament, all Cypriot citizens and resident EU citizens have a right to vote and run for office, including Turkish Cypriots who live in the area administered by the Turkish Cypriots. All resident EU citizens are eligible to vote and run for office in municipal elections.

Elections and Political Participation.—Recent Elections.—On May 22, free and fair elections were held for the 56 seats assigned to Greek Cypriots in the 80-seat House of Representatives.

Participation of Women and Minorities.—Women held six of the 56 seats filled in the House of Representatives and three of 11 ministerial posts. They also held senior positions in the judicial branch.

There were no members of minorities in the House of Representatives. The small Armenian Orthodox, Maronite Christian, and Roman Catholic communities elected special nonvoting observer representatives from their respective communities to the House of Representatives. Twenty-four seats assigned to Turkish Cypriots were unfilled.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, which vary depending on the charges, and the government generally implemented these laws effectively. There were isolated reports of government corruption.

While the government generally investigated and prosecuted cases of corruption, these usually moved at a slow pace, and the evidence law, which prohibits wiretapping and electronic surveillance, made obtaining convictions difficult.

On June 22, the head of the Cyprus EU Presidency office resigned following accusations that he had rigged the hiring process to employ a family friend. The auditor general confirmed that the hiring process was flawed but stated that she did not have the authority to pursue a criminal investigation. The government did not seek a police investigation into the case. Two similar cases in which government employees were charged with misusing their position for personal gain or exerting influence in hiring procedures were pending at year's end.

On April 5, three police officers received suspended sentences ranging from four to six months in connection with the high-profile 2008 escape of double murderer and rapist Antonis Procopiou Kitas from a Nicosia private hospital, where he had stayed while serving a life sentence. In addition, the three officers received disciplinary sanctions following the completion of a disciplinary investigation ordered by the chief of the police. The minister of justice and public order resigned over the escape, and the government appointed independent criminal investigators to determine possible police and government officials' involvement. In January 2010 the attorney general filed two criminal cases against six police officers and the director of the central prison. A hearing of the case against the former director of the Central Prison began in 2009 and was still in progress at year's end.

In May the Supreme Court upheld its 2009 ruling that a law, first passed and challenged in 2004, that requires state and public officials to declare their assets was unconstitutional. The court ruled that the said law violated the constitutionally protected right to respect for private and family life.

The constitution provides citizens the right of access to government information, but there were no specific laws to ensure public access. Civil servants were not allowed to provide access to government documents without first obtaining permission from the relevant minister. An Access Info Europe report issued in November stated that, according to a survey conducted by the organization in 2010, 72 percent of the 220 requests for information which it sent to 20 public agencies were not answered, and 8 percent were denied in writing or orally.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. There is a government ombudsman, whose portfolio includes human rights, and a legislative committee on human rights.

Government Human Rights Bodies.—During the year the ombudsman received complaints from citizens and foreigners living on the island who believed their rights had been violated by the government. During her fully independent investigations, the ombudsman generally enjoyed good cooperation with other government bodies. The ombudsman's annual reports focused on police misconduct, treatment of patients at state hospitals, treatment of asylum seekers and foreign workers, and gender equality in the workplace. The Office of the Ombudsman was well respected and considered effective.

The legislative Committee on Human Rights, which most local NGOs considered effective, consists of 10 members of the House of Representatives who serve five-year terms. The committee discussed wide-ranging human rights problems, including trafficking in persons, prison conditions, and the rights of foreign workers. The executive branch did not exercise control over the committee.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these prohibitions.

Women.—Rape and Domestic Abuse.—The law criminalizes rape, including spousal rape, with a maximum sentence of life in prison. Most convicted offenders received considerably less than the maximum sentence. Police indicated that 26 cases of sexual assault were reported during the year.

Violence against women, including spousal abuse, was reported, and there has been a sharp increase in recent years in the number of reported cases. The law establishes clear mechanisms for reporting and prosecuting family violence and provides that the testimony of minors and experts, such as psychologists, may be used as evidence to prosecute abusers. The law provides for the imprisonment of persons found guilty of abusing family members. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to police. Many victims refused to testify in court, however, and by law spouses cannot be compelled to testify against each other. Courts were obliged to drop cases of domestic violence if the spousal victim was the only witness and refused to testify.

During the year police received 600 cases of domestic violence. They initiated criminal investigations in 307 of these and filed 129 criminal cases in court. In 75 percent of the cases, the victims were female.

An NGO working with domestic abuse victims reported an increase in the number of telephone calls to its hotline from 2010. The NGO reported that 1,323 callers, of whom 75 percent were women, 17 percent children, and 8 percent men, claimed to be victims of domestic violence. The NGO also operated a shelter for women and children in Nicosia that served 78 victims of domestic violence during the year.

Sexual Harassment.—The law prohibits sexual harassment in the workplace, but it was reportedly a widespread problem, with most incidents unreported to authorities. In 2009 a Cyprus University of Technology (TEPAK) report showed that 6 percent of employees in the country had experienced sexual harassment in their workplace. During the year the Labor Office received nine complaints regarding sexual harassment, eight by non-Cypriots. The office's investigation found one complaint to be valid, and the complainant received 2,000 euros ($2,600) in compensation.

In one of the two sexual harassment complaints filed and deemed valid in 2010, the victim received free legal aid to present her case before the Labor Disputes Court for compensation in 2011. In the second case, the complainant, a foreign housekeeper, was granted permission to seek a new employer in 2011. Permission is required for such a change because one's presence and work permit are tied to a particular employer. In April the ombudsman criticized the decision of the Department of Labor not to examine a 2009 complaint of sexual harassment because the case was under police investigation. The complaint was submitted by a foreign housekeeper, who claimed that she had been sexually harassed by her employer. The police investigation did not result in a criminal prosecution, and the complainant was eventually arrested because her residence permit had expired. The ombudsman recommended the examination of the complaint by the Department of Labor and the revocation of the detention and deportation order until the completion of the investigation. The government complied with the recommendation; as a result, the complainant's work permit was renewed.

Reproductive Rights.—Couples and individuals were generally able to freely decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception, skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men.

Discrimination.—Women generally have the same legal status as men under family and property law and in the judicial system. The National Mechanism for Women' Rights under the Ministry of Justice and Public Order was tasked with the promotion, protection, and coordination of women's rights. Laws requiring equal pay for men and women performing the same work were enforced effectively at the white-collar level. Despite a strong legal framework, the Ministry of Labor and Social Insurance's enforcement was ineffective at the blue-collar level. Research by one NGO suggested that remuneration for female blue-collar workers was 25 to 30 percent less than for their male counterparts. The ombudsman reported serious cases of gender discrimination in the workplace particularly against pregnant women who were either not promoted or dismissed from employment. The ombudsman's 2010 report, released in 2011, expressed concern over the increasing phenomenon of dismissal of working women on the grounds of pregnancy. The ombudsman reported that 30 percent of the complaints submitted with regard to discrimination against women concerned discrimination on the grounds of maternity, pregnancy, or childbirth.

Children.—Birth Registration.—Citizenship is derived from one's parents, and there is universal birth registration at the time of birth.

Education.—The ombudsman's investigation into a 2008 complaint that Romani children in public schools were not taught their local language, history and culture, concluded that the complaints were valid. The ombudsman found that the Romani children, as members of the Turkish Cypriot community, were taught Turkish language and culture but that their curriculum did not take into consideration their distinctive language and culture as members of the Romani community. The ombudsman recommended that the Ministry of Education engage members of the Romani community in a dialogue aimed at developing teaching methods and educational programs more appropriate for Romani children. The ombudsman also urged the immediate implementation of the European Commission against Racism and Intolerance (ECRI) recommendation to offer free transportation to Romani children living in the Polemidia housing settlement. The ECRI report released in June stated that the Polemidia housing settlement for Roma constituted de facto segregation from the majority population, while the children there were denied their right to education due to lack of free transportation to and from school.

In September the ombudsman reported that the Ministry of Education had yet to officially withdraw a 2004 circular requiring schools to report to immigration authorities the contact information of parents of foreign children enrolled at schools in order to help authorities determine if they reside in the country legally. The Ministry of Education subsequently issued instructions to school principals to enroll all students without exception. However, according to the ombudsman and the ECRI's June report, the new policy was not always implemented, and in practice the contact information of foreign students was regularly sent to police.

Child Abuse.—The Welfare Department reported that it received 251 cases of child abuse in 2010 compared with 281 in 2009 and that 92 percent of cases of abuse were linked to domestic violence. During the year police conducted 152 criminal investigations of child abuse compared with 155 the previous year. An NGO working with domestic abuse victims reported that cases of child sexual abuse doubled in 2011 reaching a total of 16 from eight in 2010.

Sexual Exploitation of Children.—The minimum age for consensual sex is 17, and sexual intercourse with a person under the age of 17 is a criminal offense. The penalty for sexual intercourse with a person between the ages of 13 and 17 is a maximum of three years' imprisonment. The criminal penalty for sexual intercourse with a person under 13 is up to life in prison. Possession of child pornography is a criminal offense punishable by a maximum of 10 years' imprisonment.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were approximately 2,150 persons in the Jewish community, which consisted of a very small number of native Jewish Cypriots and a greater number of expatriate Israeli, British, and other European Jews.

There were continued reports of verbal harassment of members of the Jewish community.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the government generally enforced these provisions. While the law mandates that public buildings and tourist facilities built after 1999 be accessible to all, government enforcement was ineffective. Older buildings frequently lacked access for persons with disabilities. There were no appropriate institutions for adults with mental disabilities who were in need of long-term care.

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by year's end. Problems facing persons with disabilities included narrow or nonexistent sidewalks and lack of transport, parking spaces, accessible toilets, and elevators. During the year the ombudsman examined two complaints of discrimination against persons with disabilities. The ombudsman investigated a complaint by the Association of Parents of Persons with Mental Disabilities that persons with mental disabilities were discriminated against in relation to persons with other disabilities in the area of subsidized transport. The investigation did not establish discriminatory treatment but recommended to the Ministry of Labor and Social Insurance the immediate amendment of government programs to allow subsidies for the general transport of persons with disabilities, including mental disabilities, and a special subsidy for their transport to schools, care centers, and related places.

There are no long-term care facilities specifically for persons with mental disabilities, but many such persons were housed at the Athalassa Psychiatric Hospital. In February parents of children with special needs complained to the House of Representatives Committee on Human Rights about a lack of services and opportunities for children with severe forms of mental disability after they graduated from special school at the age of 21. According to a study presented at a meeting of the committee in May 2010, one in three patients discharged from the Athalassa facility lived in a retirement home and experienced difficulty integrating into society. Ten percent of these former patients were under the age of 30. Members of the committee noted there was no infrastructure to support mental health patients with the result that, when they left the psychiatric hospital, their medication was stopped. There were no programs for their social integration or aftercare in general, a situation that could lead to serious problems.

In November the House Committee on Human Rights discussed the lack of reintegration plans for psychiatric patients discharged from the Athalassa Psychiatric Hospital. According the information presented to the committee by the Social Welfare Services, 300 former patients of the hospital were at the time living in homes for the elderly due to lack of half-way houses. Members of the committee pointed out that there has been no progress in developing any reintegration plans and improving benefits to persons with psychiatric conditions. One committee member stressed that existing legislation discriminates against psychiatric patients, entitling them to lower benefits than persons with other disabilities.

On December 13, the ombudsman, in her capacity as the head of the National Mechanism for the Prevention of Torture, visited Athalassa Psychiatric Hospital and collected material for a report with recommendations for the improvement of patients' living conditions and the protection of their rights.

In August 2010 the Paraplegics Association complained that new public buses, introduced in June of that year as part of the overhaul of the public transport system, did not meet the needs of wheelchair users in that they only had space for one wheelchair instead of two. After a meeting with the minister of communications and works in September 2010, the Paraplegics Association stated that the government had agreed that all future orders for buses would provide for two wheelchair spaces. The government also agreed to modify buses then in use if demand showed a need for two wheelchair spaces.

The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled was responsible for protecting the rights of persons with disabilities. The minister of labor and social insurance chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, and employer and employee organizations. The council monitored actions that affected the protection of the rights of persons with disabilities and served as a forum for such persons to contribute to public policy.

National/Racial/Ethnic Minorities.—Several incidents of government and societal discrimination against members of minority national and ethnic groups occurred during the year.

On February 16, approximately150 Greek Cypriot and 25 Palestinian students clashed at a high school in Larnaca. Three students, a Greek Cypriot and two Palestinians, suffered light injuries and received first aid. The incident was attributed to increased tensions between Greek Cypriot residents of Larnaca and Palestinian refugees who had settled in the city. The government, the school parents association, and the student council condemned the incident.

On March 23, police charged 14 persons for rioting and, in some cases, causing bodily harm in connection with the November 2010 clashes in Larnaca between participants in an antiracism NGO event, the Rainbow Festival, and demonstrators marching against the presence of undocumented migrants. One Turkish Cypriot, a member of a music group participating in the NGO event, was stabbed and several police officers and demonstrators injured. The mosque in Larnaca was vandalized following the riot. Nine of the persons charged participated in the Rainbow Festival, and the other five participated in a demonstration against undocumented migrants. Doros Polycarpou, the executive director of KISA, one of the organizers of the antiracism event, was among those charged with rioting. The hearing of Polycarpou's case was scheduled for February 2012 after two postponements in July and December. International human rights groups following the case protested the delays in the hearing. In a joint statement on December 13, a delegation of eight international organizations protested the cancellation of its meetings with government officials to discuss the case. Two of the other persons charged were accused of publicly insulting Doros Polycarpou.

In March the European Commission against Racism and Intolerance (ECRI) issued a report assessing the situation in Cyprus. Among several areas that needed improvement, the report noted that legislation against racism was rarely implemented and no records were kept on discrimination cases that reached the courts. It noted a disproportionately high concentration of Turkish Cypriot and Romani children in certain schools and a lack of educational access for the Romani children living in the Polemidia area outside of Limassol, a situation described as de facto segregation from the general population. The report also noted a marked increase in racism in schools and a rise in prominence of extremist and anti-immigration groups.

In November the ombudsman issued a report expressing serious concern over the increase of racist attacks in Cyprus and calling on the authorities to take immediate measures to locate and punish the perpetrators of such incidents. After examining a series of attacks against foreigners in Nicosia in August for which no suspects had been arrested and convicted, the ombudsman made a series of recommendations to improve the situation.

During the year there was one report of violence against a Turkish Cypriot in the government-controlled area. In January a Turkish Cypriot man was reportedly attacked after an Apoel-Omonia soccer game, in the presence of his wife and child. The victim stated he did not file a complaint with the Greek Cypriot police because of a lack of action in other similar cases.

Some Turkish Cypriots living in the government-controlled area reportedly faced difficulties obtaining identification cards and other government documents, particularly if they were born after 1974. Turkish Cypriots made few formal complaints to the UNFICYP about their living conditions in the south.

The ombudsman received complaints that the government denied automatic citizenship to children of Turkish Cypriots married to Turkish citizens who resided in the area administered by Turkish Cypriots. Instead of granting citizenship automatically to such children, the Ministry of Interior routinely sought approval from the Council of Ministers before confirming their citizenship. In 2011 the Council of Ministers approved 119 cases. The ombudsman's office had no authority to examine the complaints because the Council of Ministers decision to apply different criteria for granting citizenship to children born to one Turkish parent was a political one. Children of Turkish Cypriots married to Turkish citizens and living outside of Cyprus were automatically granted citizenship. However, the ombudsman's office issued a report in August following the receipt of a large number of complaints from children of Turkish Cypriots married to non-Cypriots for long delays in receiving a response to their applications for citizenship. The majority of the cases were pending for three years and in some cases for four to five years. The ombudsman recommended that the Ministry of Interior expedite the examination of the applications, inform the applicants before the end of the year, and inform those deemed ineligible in writing about the reasons for rejection. The ombudsman also urged the

ministry to examine such applications in the future within a reasonable period of time.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Despite legal protections, gay men and lesbians faced significant societal discrimination, and few lesbian, gay, bisexual, or transgender (LGBT) persons were open about their sexual orientation. In May 2010 the first LGBT organization, Accept LGBT Cyprus, announced its operation and organized a series of events. The events were covered by the media and there was no negative public reaction. On October 19, Interior Minister Sylikiotis stated that the application of Accept-Cyprus to register as an association was accepted and the relevant certificate of registration was issued.

In November the press reported that a Foreign Ministry attache complained to the ombudsman that the ministry excluded him from a specific overseas assignment because of his sexual orientation. The permanent secretary of the Foreign Ministry rejected the allegation on the grounds that the attache lacked the necessary experience for the specific appointment he had requested.

A report published in May by ILGA Europe (Equality for Lesbian, Gay, Bisexual, Trans- and Intersex People in Europe) listed Cyprus among the countries that were not advancing towards greater recognition of rights for LGBT persons. The report noted that Cyprus lacked specific LGBT antidiscrimination legislation.

Other Societal Violence or Discrimination.—An NGO reported complaints of discrimination toward persons with HIV/AIDS and asserted that HIV-positive individuals faced social exclusion and termination from employment. The director of a clinic treating HIV-positive persons stated in December that due to prevailing prejudice, the majority of patients did not reveal their condition to their colleagues and some, not even to their families.

An NGO working on human rights issues reported receiving two death threats during the year. NGO personnel reported both to the police, who took note of the information and made some recommendations regarding personal safety.

Promotion of Acts of Discrimination.—Government-approved textbooks used at the primary and secondary school levels included language that was biased against Turkish Cypriots and Turks or refrained from mentioning the Turkish Cypriot community altogether. In addition, there were anecdotal reports of teachers using handouts or leading classroom discussions that included inflammatory language.

In March 2010 the minister of education announced that a special government committee established in 2008 to examine the question of education reform had completed work on a set of curricula on all subjects, including history. Implementation of the history curriculum was scheduled to begin in September 2011, but controversy over new language led to a postponement that had not been resolved at year's end. Although teachers were instructed to use a variety of sources to promote critical thinking and avoid indoctrination by encouraging class discussion and asking students to consult alternative sources, an NGO involved with the training commented that, without evaluation, it could not be determined whether teachers acted as instructed in the classroom. The Ministry of Education ran seminars for teachers on promoting diversity in religion. However, a new textbook with a more diverse viewpoint was withdrawn prior to its introduction. According to one Ministry of Education official, the lack of education on LGBT issues in the education system contributed to the stigmatization of LGBT persons in schools.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—All workers, except members of the police and military forces, have the legal right to form and join independent unions of their own choosing without prior authorization. Police officers could form associations that had the right to bargain collectively. The law allows unions to conduct their activities without interference. With the exception of members of the armed forces, police, and gendarmerie, all workers, including migrant and foreign workers, have the right to strike. The law provides for collective bargaining. Antiunion discrimination is illegal.

Workers exercised the right to form and join independent unions and to bargain collectively in practice. More than 70 percent of the workforce belonged to independent unions. The government generally protected the right of unions to conduct their activities without interference. Authorities have the power to curtail strikes in "essential services," but this power was used rarely in practice. An agreement between the government and essential services personnel provides for dispute resolution and protects workers in the sector. Although collective bargaining agreements are not legally binding, their terms were effectively observed by employers and employees. Collective bargaining agreements covered approximately 60 percent of

workers, both citizens and foreigners. Workers covered by such agreements were predominantly in the larger sectors of the economy, including construction, tourism, the health industry, and manufacturing.

Union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations prohibiting antiunion discrimination was sporadic and penalties for antiunion practices were minimal.

b. Prohibition of Forced or Compulsory Labor.—The government prohibits forced or compulsory labor, including by children. However, NGOs reported isolated cases of asylum seekers subjected to forced labor in agriculture.

The Ministry of Labor and Social Insurance continued to receive complaints of labor exploitation. Foreign workers, primarily from Eastern Europe and East and South Asia, were reportedly forced to work up to 13 hours a day, seven days a week, for very low wages. NGOs confirmed that employers often retained a portion of foreign workers' salaries as payment for accommodations. The ombudsman reported that her office received a number of complaints during the year, and their investigation was pending.

Many domestic workers were reluctant to report contract violations by their employers out of fear of losing their jobs and consequently their work and residency permits. An NGO reported that there were cases of domestic workers whose travel documents were withheld by their employers. Two cases involving mistreatment of foreign domestic workers by their employers were pending trial at year's end. In one of the cases pending before the court, the employer, who was a member of the fire service, was ordered by the service, following a disciplinary investigation, to pay a 170- euro ($220) fine for misconduct. He appealed the decision, and a final decision on the appeal was pending at year's end. The domestic worker was identified as a victim of trafficking for labor exploitation.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children, defined as persons under 15, except in specified circumstances, such as combined work-training programs for children who have attained the age of 14 or employment in cultural, artistic, sports, or advertising activities, subject to certain rules limiting work hours. Nighttime work and engagement of children in street trading is prohibited. The law also permits the employment of adolescents, defined as persons between the ages of 15 and 18, provided it is not harmful, damaging, or dangerous, and also subject to rules limiting hours of employment. Employment of adolescents between midnight and 4:00 a.m. is not permitted. The minimum age for employment in an "industrial undertaking" is 16.

The government effectively enforced laws and policies to protect children from exploitation in the workplace. Ministry of Labor and Social Insurance inspectors are responsible for enforcing the child labor laws and did so effectively. There were isolated examples of children under 16 working for family businesses.

d. Acceptable Conditions of Work.—Although there is no national minimum wage, there is a minimum wage for certain groups that are deemed vulnerable to exploitation. The official poverty line is set at 2,062 euros ($2,680) a month for a family of four; the rate was established in 2009. The minimum wage for shop assistants, nurses' assistants, clerks, hairdressers, and nursery assistants was 855 euros ($1,110) per month for the first six months and 909 euros ($1,180) per month thereafter. For asylum seekers working in the agricultural sector, the minimum monthly wage was either 425 euros ($553) with accommodation and food provided or 767 euros ($997) without accommodation and food.

The minimum starting salary for foreign nationals working as live-in housekeepers was 456 euros ($593) per month. Medical insurance, visa fees, travel, and repatriation expenses were covered by the employers. Cabaret performers' contracts typically stipulated that they receive at least 205 euros ($267) per week for 36 hours of work. Workers in almost all other occupations, including unskilled labor, were covered under collective bargaining agreements. The wages set in these agreements were significantly higher than the minimum wage.

Foreign workers were allowed to claim pensions, and in some cases bilateral agreements existed that allowed workers to claim credit in their home countries. Unions and labor confederations were generally effective in enforcing negotiated wage rates (collectively bargained rates), which were generally much higher than the minimum wage. The Migration Service was responsible for enforcing the minimum wage for foreign workers but did not actively do so.

The legal maximum workweek was 48 hours, including overtime. Unions and employers within the same economic sector collectively determined the actual working hours. In the private sector, white-collar employees typically worked 39 hours a

week, and blue-collar employees worked 38 hours a week. In the public sector, the workweek was 38 hours in the winter and 35 hours in the summer. The law does not require premium pay for overtime or mandatory rest periods; however, these benefits were sometimes stipulated in contracts and collective agreements. The law provides that foreign and local workers receive equal treatment. Labor ministry inspectors are responsible for enforcing these laws. Labor unions, however, reported enforcement problems in sectors not covered by collective agreements. They also reported that certain employers, mainly in the building industry, exploited illegal foreign workers by paying them very low wages.

There were reports that foreign domestic workers, primarily from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Some domestic workers, particularly live-in maids, reported working excess hours for employer families at all times, night and day, without additional compensation or time off. Although the law protects domestic workers who file a complaint with the Ministry of Labor and Social Insurance from being deported until their cases have been adjudicated, NGOs reported that many domestic workers did not complain to authorities about mistreatment due to fear of deportation.

Ministry of Labor inspectors were responsible for enforcing health and safety laws. The Ministry of Labor and labor unions reported that health and safety laws were satisfactorily enforced but that more needed to be done. The minister of labor stated in October that the majority of accidents involved non-Cypriots who were employed illegally. All four workers killed in work-related accidents in 2011 were non-Cypriots. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Their inspections were supported by close government cooperation with employer and employee organizations. However, inspections did not occur in private households where persons were employed as domestic servants.

From January to the end of September, four persons were killed in work-related accidents. In 2010 there were 20 workplace fatalities, 11 of which were migrant workers.

The Area Administered by Turkish Cypriots (Turkish Republic of Northern Cyprus)

EXECUTIVE SUMMARY

Since 1974 the northern part of Cyprus has been run by a Turkish Cypriot administration that proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC") in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. Dervish Eroglu was elected "president" in 2010 in free and fair elections. Elections to the "Assembly of the Republic" in 2009 were also free and fair and resulted in the formation of a single-party "government" of the UBP (National Unity Party). The "TRNC constitution" is the basis for the "laws" that govern the area administered by Turkish Cypriot "police" and security forces were ultimately under the operational command of the Turkish military, per transitional article 10 of the "TRNC constitution," which cedes responsibility for public security and defense "temporarily" to Turkey.The most significant problems reported during the year included police abuse of detainees and infringement on the right of demonstrators to peacefully assemble. In addition, there were restrictions on the rights of asylum seekers and no regulatory infrastructure to handle asylum applications or to protect their rights.Other problems reported during the year included mistreatment of persons in custody, overcrowding in prisons, lack of separation of incarcerated adults and juveniles, corruption and cronyism in the executive and legislative branches, domestic violence against women, trafficking in persons, and criminalization of same-sex sexual activity between men.While there were investigations of police abuse cases, no officials were prosecuted or punished. Officials sometimes engaged in corrupt practices with impunity.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that authorities or their agents committed arbitrary or unlawful killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The "law" prohibits such practices; however, there were reports that police abused

detainees. The "law" does not refer to "torture," which falls under the section of the criminal code that deals with assault, violence, and battery.

On May 17, police arrested and detained three men, including an American resident in the north, on burglary charges. The family reported that the American had been beaten by police, and a consul who visited him in prison photographed him with deep contusions and multiple bruises. The accusations were brought to "parliament" by Nicosia "member of parliament" and TDP chairman Mehmet Cakici, who complained that the attending physician who performed a health check on the suspect was complicit because he found that the suspect's injuries could have been caused by a fall rather than a beating.

On May 31, a newspaper reported that an acquitted child molestation suspect alleged police beat him for two hours and sodomized him with a stick, after which he reportedly required surgery. He filed a complaint with the "attorney general's" office.

In December a "parliamentary committee" established to investigate allegations of police torture reported that torture has been carried out at police stations. The committee also learned that police and the "attorney general's office" investigated the complaints and torture allegations and filed a case in "court" based on their findings. The committee studied another 12 petitions from citizens who claimed they were beaten and consulted with the police and the "attorney general's office" on the cases.

In December Kibrisli newspaper began publishing a series of torture allegations dating from 2006 to the present, based on first-hand accounts. One victim alleged that he was covered with a sack, tortured, beaten, and that electricity was applied to his genitals for seven days after he refused to sign statements prepared by the police. The newspaper published a full statement and photos showing the alleged signs of torture. Another victim alleged that he was beaten so severely he required medical care; the doctor at the hospital reportedly described his wounds as "scratches" and did not give him a health report. The victim claimed that police released him when they understood that he was not guilty. He claimed he filed a complaint with the "attorney general's" office but had never received a response.

Two police abuse cases filed with the "attorney general" in 2011 were being prepared for a court hearing at the end of the year.

Prison and Detention Center Conditions.—In previous years inmates complained of overcrowding at the prison, but the authorities routinely claimed they had addressed the problem. NGO representatives stated that, while a 2009 bunk-bed system that increased the official bed capacity from 291 to 448 addressed some of the overcrowding problems, health and other services were sorely lacking. Health services were provided to inmates once a week; no health checks were given to prisoners and detainees upon entry into the prison; and inmates lacked regular access to washing water and hot water. Authorities stated that inmates requested a sports facility for the prison but there was no room for such a facility. Of the 293 prisoners held at year's end, 51 percent were foreigners, mostly Turkish citizens. Ten women prisoners and two juveniles were incarcerated. Approximately 39 percent of the prisoners were awaiting trial.

During the year there were no deaths within the prison or detention centers. Prisoners had access to potable water.

According to the authorities, prisoners and detainees were permitted both to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities reported they did not receive any complaints.

Authorities stated that all prisoners were allowed religious observance. Prisoners with "stern" penalties were allowed to receive visitors every 10 days while prisoners with "light punishment" were allowed to receive visitors every 15 days. Detainees were allowed to receive visitors every 30 days. Visits were limited to 30 minutes except during holidays. Convicted inmates were allowed a maximum of 40 minutes of telephone calls four days a week; detainees were given access to phones three days a week.

The scope of the ombudsman's duties does not include advocating for reduced or alternative sentences or addressing the status of juvenile prisoners or improving detention/bail conditions.

During the year authorities permitted a prison visit by a group of local journalists and hosted an iftar dinner for the group at the prison, where they were able to meet with inmates and prison employees.

d. Arbitrary Arrest or Detention.—The "law" prohibits arbitrary arrest and detention, and authorities generally observed these prohibitions.

Role of the Police and Security Apparatus.—Police are responsible for law enforcement. The chief of police reports to a Turkish Cypriot "general," who is nominally under the supervision of the "Prime Ministry," holding the "security portfolio." The police and security forces are ultimately under the operational command of the Turkish military, however, per transitional article 10 of the "TRNC constitution," which "temporarily" cedes responsibility for public security and defense to Turkey. Security forces were generally cooperative with civilian authorities and effective in matters of law enforcement. The police are divided into eight functional divisions and five geographic divisions.

The "office of the attorney general" continued to work with the inspection division (or occasionally the criminal investigative division) to investigate allegations of police misconduct. Two complaints were filed with and investigated by the "attorney general's office." The cases were being prepared for a court hearing at the end of the year.

In 2011 a Turkish Cypriot nearing completion of his two-year mandatory military service wrote an article alleging widespread abuse of soldiers within the military, including physical and psychological abuses.

Arrest Procedures and Treatment While in Detention.—Judicially issued warrants are required for arrests. No person may be detained longer than 24 hours without referral of the case to the courts for a longer period of detention. Authorities generally respected this right in practice. Detainees were usually informed promptly of charges against them, although individuals believed to have committed a violent offense were often held for longer periods without being charged. According to the "law," any detained person must be brought before a judge within 24 hours. The person can then be detained in police custody for a period of up to three months, but a judge must review the detention after the third day and every eight days thereafter. Bail was permitted and routinely used. Detainees were usually allowed prompt access to family members and a lawyer of their choice. Authorities only provided lawyers to the indigent for cases involving violent offenses. Particularly at the time of arrest, police sometimes did not observe legal protections. Some suspects were not permitted to have their lawyers present when giving testimony, in contravention of the "law." Suspects who demanded the presence of a lawyer were sometimes threatened with stiffer charges or physically intimidated.

During the year one suspect who claimed he did not know Turkish complained he was forced to sign a confession drafted in Turkish by police. There were numerous allegations of rough treatment or torture by police of prisoners.

e. Denial of Fair Public Trial.—The "law" provides for an independent judiciary, and authorities generally respected judicial independence in practice.Most criminal and civil cases begin in district courts, from which appeals are made to the "Supreme Court." There were no special courts for political offenses. Civilian courts have jurisdiction in cases where civilians are accused of violating military restrictions, such as filming or photographing military zones.

Trial Procedures.—The "law" provides for the right to a fair trial, and an independent judiciary generally enforced this right. The "TRNC constitution" provides for public trials, the defendant's right to be present at those trials, and the defendant's right to consult with an attorney in a timely manner. Authorities provide lawyers to indigent defendants only in cases involving violent offenses. Defendants are allowed to question witnesses against them and present evidence and witnesses on their behalf. The "law" also requires that defendants and their attorneys have access to evidence held by the "government" related to their cases. Defendants enjoy a presumption of innocence and have a right to appeal. Authorities generally respected these rights in practice.

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

Civil Judicial Procedures and Remedies.—There was generally an independent and impartial judiciary for civil matters, permitting claimants to bring lawsuits seeking damages for human rights violations. There were generally no problems enforcing domestic court orders.

Property Restitution.—During the year Greek Cypriots continued to pursue property suits against the Turkish government for the loss since 1974 of property located in the area administered by Turkish Cypriots. Turkish Cypriots pursued claims against the Republic of Cyprus as well. Under ECHR rules, as long as adequate local remedies exist, an appellant does not have standing to bring a case before the ECHR until that appellant exhausts all local remedies.

In response to the ECHR's 2005 ruling in the Xenides-Arestis case that Turkey's "subordinate local authorities" in Cyprus had not provided an adequate local rem-

edy, a property commission was established to handle claims by Greek Cypriots; in 2006 the ECHR ruled that the commission had satisfied "in principle" the ECHR's requirement for an effective local remedy. In a March 2010 ruling, the ECHR recognized the property commission as a domestic remedy. The Immoveable Property Commission (IPC) reportedly received 1,926 applications through the end of the year and completed 205 of them through friendly settlements and seven through formal hearings. Five applicants received restitution of their properties outright (plus compensation), one received restitution pending a future settlement of the Cyprus problem, one accepted partial restitution, and one received full restitution. Two property exchange (plus compensation) decisions were also issued. Two applications were rejected and 92 were revoked. As of year's end, the commission had paid the equivalent of more than $106 million in compensation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The "law" prohibits such actions. However, there were reports that police subjected Greek Cypriots and Maronites living in the area administered by Turkish Cypriots to surveillance. Although authorities reported otherwise, a Maronite representative asserted that during the year the Turkish military occupied 18 houses in the village of Karpasia.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The "law" provides for freedom of speech and press, and the authorities generally respected this right in practice. Individuals were generally able to publicly criticize the authorities without reprisal, with some exceptions.

Freedom of Speech.—Police on occasion interfered with the public display of materials that raised politically sensitive subjects. On July 19, police confiscated a banner from the Turkish Cypriot Public Servants Trade Union building because it was deemed "disrespectful" to visiting Turkish Prime Minister Erdogan. On August 9, media reported that police removed a large sign advertizing a newspaper that included a photograph depicting police violence in July. Police reinstated the sign the following day.

Freedom of Press.—While authorities generally respected freedom of the press in practice, journalists were at times obstructed in their reporting, fined, and threatened with charges. The independent media were active and expressed a wide variety of views. International media were generally allowed to operate freely. Bayrak Radyo Televizyon Kurumu (BRT) is the only "government"-owned television and radio station.Violence and Harassment: Two journalists were attacked during the year, although the relationship between the attacks and the journalists' reporting was unclear. On July 3, an assailant shot at journalist Ali Osman Tabak inside Afrika newspaper's office. The office had been attacked in February. Police arrested a suspect in connection with both incidents. After investigation, charges were filed against the suspect and the trial continued. On April 6 and May 12, a second journalist, Mutlu Esendemir, was a victim of bomb attacks on his vehicle, which slightly injured him. After investigation, various charges were filed against the suspect, who was arrested on June 1, and the trial continued. The Turkish Cypriot Journalists Association reported that journalists have been threatened and prevented from working and that they experienced problems trying to access public or other information and political pressure.

Internet Freedom.—The authorities did not restrict access to the Internet, and there were no reports that they monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—The authorities did not restrict academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The "law" provides for freedom of assembly. However, authorities interfered with peaceful public protests on several occasions in July.

On July 19, groups of regular, undercover, and riot police intervened against peaceful protesters at three separate locations in and around Nicosia. Police entered the Turkish Cypriot Public Servants Union headquarters, confiscated a banner, and arrested two unionists. The same evening, several dozen regular and undercover police officers confronted protesters from the Social Existence Platform organization in front of the Cyprus Turkish Airlines headquarters in Nicosia, resulting in six injuries and another six arrests. Media photographs and video footage showed police shoving, punching, and kicking protesters. The eight demonstrators were released on July 20. They were later charged with causing damage to police vehicles and fined. The main opposition parties, civil society organizations, and trade unions or-

ganized protests outside the police headquarters on July 25 to criticize the police and the "government" for their use of excessive force against peaceful demonstrators.

Freedom of Association.—The "law" provides for freedom of association, and the authorities generally respected this right in practice. Some organizations faced lengthy registration periods.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The "law" provides for freedom of movement within the area administered by Turkish Cypriots, foreign travel, emigration, and repatriation, and authorities generally respected these rights in practice.

Cooperation between the Office of the U.N. High Commissioner for Refugees (UNHCR) and the Turkish Cypriot authorities was handled through an intermediary NGO. Since no law exists regarding the handling of asylum applications, the UNHCR representative in Cyprus adjudicated asylum claims.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Greek Cypriots and foreigners crossing into the area administered by Turkish Cypriots were also required to fill out a "visa" form.

In an effort to improve regulation of undocumented workers, authorities passed an "immigration amnesty law" in December allowing illegally present workers to request amnesty for 60 days. Applications continued at year's end. In addition, the new regulation stipulated that any employer of illegal workers would be fined 6,500 Turkish lira ($3,440) or face business closure for two months. According to the immigration "law," all employers who wish to import foreign workers need official permission from the "Department of Labor" to register them. Authorities deported illegal immigrants found without work permits. All illegal immigrants without work permits were prohibited from entering the "TRNC" at ports of entry. With few exceptions, asylum seekers were generally treated as illegal immigrants and were either deported or denied entry.

Turkish Cypriots had difficulty traveling to most countries because only Turkey recognizes travel documents issued by the "TRNC." Some Turkish Cypriots used Turkish travel documents, but many obtained travel documents issued by the Republic of Cyprus. Turkish Cypriots born after 1974 to parents who were both Republic of Cyprus citizens before 1974 obtained passports relatively easily, compared with Turkish Cypriots born after 1974 to only one Cypriot parent.

Internally Displaced Persons (IDPs).—Turkish Cypriots considered persons displaced as a result of the division of the island to be refugees, although they fell under the U.N. definition of IDPs. These persons and their descendants numbered approximately 90,000 to 100,000 in the north. They were resettled, had access to humanitarian organizations, and were not subject to attack, targeting, or return under dangerous conditions.

Protection of Refugees.—Access to Asylum.—The 1951 Refugee Convention relating to the Status of Refugees is incorporated into Turkish Cypriot domestic "law," as were all other laws adopted during pre-1963 British colonial rule and later "ratified" by the Turkish Cypriot administration. Authorities admitted that they had no "law" or system in place for dealing with asylum seekers or the protection of refugees and stated that asylum applications were systematically rejected. Potential asylum seekers who attempted to enter the area administered by Turkish Cypriots illegally were almost always arrested, taken to court, and deported after serving their sentence. During the year, however, authorities facilitated the access of 20 asylum seekers to the UNHCR representatives in the U.N. buffer zone.

Individuals who requested asylum were supposed to be directed to the UNHCR or its local implementing partner, the Refugee Rights Association (RRA). However, authorities often refused to grant asylum seekers access to the RRA, refused their entry, treated them as undocumented immigrants, and denied them the opportunity to apply for asylum through the UNHCR. The RRA was affiliated with the Turkish Cypriot Human Rights Foundation in the area administered by Turkish Cypriots. Only the UNHCR representative could consider applicability of the 1951 Refugee Convention; the RRA's mission was to monitor and identify individuals who wanted to apply for asylum, to refer them to the UNHCR, to advocate to the Turkish Cypriot administration not to deport such individuals but instead to provide protection for the prospective applicants, and to facilitate their accommodation and employment.

Of 39 asylum seekers, 14 were deported during the year before a determination had been made regarding their status. Twelve deportation orders were successfully cancelled, with the RRA's assistance. These 12 asylum seekers were able to depart

the north of the island to continue their claims with UNHCR elsewhere. The remaining 13 asylum seekers were in the north at year's end under status review with UNHCR and receiving assistance from the RRA.

Nonrefoulement.—In practice authorities did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The RRA stated in 2011 that, despite its efforts, authorities at ports often denied entry to asylum seekers, and those trying to enter the "TRNC" illegally were usually detained and subsequently deported. The RRA complained that authorities usually denied asylum seekers access to the RRA's lawyers and vice versa. During the year 14 of 39 asylum seekers were deported to their place of origin, Syria.

Access to Basic Services.—According to the RRA, at year's end, 13 asylum seekers and refugees were residing and working (for below-minimum wages and sometimes in exchange for food) or attending school in the area administered by Turkish Cypriots. They could not travel abroad because they would be unable to return due to their lack of status, which rendered them illegal according to Turkish Cypriot immigration rules. The UNHCR did not provide financial assistance to asylum seekers except in exceptional cases. There were no reliable estimates of the number of asylum seekers crossing into the government-controlled areas, since irregular crossings went unrecorded.

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

The "law" provides Turkish Cypriots the right to change their "government" peacefully, and they exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Recent Elections.—Turkish Cypriots choose a leader and a representative body every five years or less. In 2010 Dervish Eroglu was elected "president" in free and fair elections.

Political Parties.—Greek Cypriots and Maronite residents were prohibited from participating in Turkish Cypriot "national elections;" they were eligible to vote in Greek Cypriot elections but had to travel to the government-controlled area to exercise that right. Greek Cypriot and Maronite enclave communities in the area administered by Turkish Cypriots directly elected municipal officials. Turkish Cypriot authorities did not recognize these officials.

While membership or nonmembership in the dominant party did not confer formal advantages or disadvantages, there were widespread allegations of societal cronyism and nepotism.

Participation of Women and Minorities.—There were four women in the 50-seat "parliament." There were no minorities represented in the "parliament."

Section 4. Official Corruption and Government Transparency

The "law" provides criminal penalties for official corruption; however, authorities did not implement the "law" effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption, cronyism, and lack of transparency were generally perceived to be serious problems in the legislative and executive branches.

Opposition parties continued to claim that the "government" primarily hired supporters of the ruling party for public sector jobs during the year. On September 7, newspapers alleged that the ruling party hired more than 100 workers to staff various public offices and planned to hire an additional 200 persons.

The "constitution" provides for free access to "government" information, and the "law" provides for public access. In practice, however, civil servants were not allowed to provide access to "government" documents without first obtaining permission from their directors or "minister." There were some complaints by NGO representatives that they were denied access to "government" information during the year. Other NGO representatives claimed that access to "land registry records" was denied, specifically for cases that involved pre-1974 Greek Cypriot owners who wanted to apply to the Immovable Property Commission. A November 2011 Access Info report stated that 78 percent of requests for information submitted to public bodies were not answered; 8 percent were orally refused; 1 percent refused in writing, and 9 percent responded to with the requested information.

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

A number of domestic human rights groups operated in the area administered by Turkish Cypriots. The international NGO Minority Rights Group International was also active in the area administered by Turkish Cypriots, conducting research, ca-

pacity building, and implementing advocacy campaigns under an EU grant. Authorities' cooperation with NGOs was inconsistent.

Many local human rights groups were concerned with improving human rights conditions in the area administered by Turkish Cypriots. NGOs included groups promoting awareness of domestic violence; women's rights; rights of asylum seekers, refugees, and immigrants; trafficking in persons; torture; and lesbian, gay, bisexual, and transgender persons' rights. These groups were numerous but had little impact on specific "legislation." A few international NGOs were active in the area administered by Turkish Cypriots, but many were hesitant to operate there due to political sensitivities related to working in an unrecognized area.

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

The "law" prohibits discrimination based on race, gender, disability, language, or social status. Authorities generally enforced these prohibitions.

Women—Rape and Domestic Violence.—The "law" provides no minimum sentence for individuals convicted of rape, including spousal rape; the maximum sentence is life imprisonment. The authorities and police effectively handled and prosecuted rape cases, including cases of spousal rape. There were no NGOs whose specific mission was to support rape victims.Violence against women, including spousal abuse, was a problem. The "law" prohibits domestic violence under a general assault/ violence/ battery clause in the criminal code. While allegations of domestic violence were usually considered a family matter and settled out of court, two cases of domestic violence were prosecuted. Both cases resulted in various fines and bail but no prison sentences. Authorities considered a case more credible if there was at least one witness in addition to the victim.

According to 2011 statistics, 78 women were subjected to violence in the north. Of the victims, 34 were beaten by their spouses, 12 were victims of violence from a parent or other family member, while four were subjected to violence from boyfriends. Twenty-three women were given "court-appointed" lawyers.

Sexual Harassment.—The "law" does not specifically prohibit sexual harassment, but victims could pursue such cases under other sections of the "law." Sexual harassment was not discussed widely, and such incidents largely went unreported.

Reproductive Rights.—Couples and individuals were able to freely decide the number, spacing, and timing of their children and had access to contraception, skilled attendance during childbirth, and obstetric and postpartum care.

Discrimination.—Women generally have the same legal status as men under property "law," family "law," and in the "judicial system." "Laws" requiring equal pay for men and women performing the same work were generally enforced at the white-collar level. However, women working in the agricultural and textile sectors were routinely paid less than their male counterparts. Several NGOs worked to protect women's rights, but no specific "government" agency had this responsibility.

Children—Birth Registration.—"Citizenship" is derived from one's parents, and there was universal registration at the time of birth.

Child Abuse.—There were some media reports of child abuse, most commonly in the form of sexual battery or rape. As with domestic violence, there were social and cultural disincentives to seek legal remedies for such problems, which observers believed were underreported.

Sexual Exploitation of Children.—The "criminal code" penalizes sexual relations with underage girls. The maximum penalty for sex with a girl under the age of 13 is life imprisonment. The maximum penalty for sex with girls older than 13 but younger than 16 is three years' imprisonment. There are no "laws" regarding child pornography. The age of consent is 16 for girls. No age of consent for boys is specified under the "criminal code."

On August 14, a social services expert asserted to the press that underage girls were prostituted to soldiers and workers at a mall in Nicosia, as were underage boys, possibly as young as 12, in Kyrenia. The expert reportedly gave this information several times to police, who stated that there were not sufficient grounds to pursue the tips. Police stated they record and investigate such complaints when they are received but do not always find sufficient evidence of criminal or illegal activity to pursue a case.

On April 11 and 12, two underage girls, one of them age 14 who was registered with the "Social Services Department," were reportedly forced to work as dancers and hostesses in a bar in Nicosia. Authorities arrested the owner of the bar for detention of a girl under age 16; a police investigation found the claims to be unfounded, and the suspect was released.

Anti-Semitism.—The very small Jewish community was composed primarily of nonresident businesspersons. A synagogue in Kyrenia held services regularly. There were no reports of anti-Semitic acts.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons with Disabilities.—The "law" prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other "state" services, and in practice the authorities effectively enforced these provisions. The "government" employed 562 persons with disabilities and provided financial aid to the other 3,673 of the 4,049 known persons with disabilities in the area administered by Turkish Cypriots. The "law" does not mandate access to public buildings and other facilities for persons with disabilities.

National/Racial/Ethnic Minorities.—The "law" prohibits discrimination, and the 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of the 335 Greek Cypriot and 111 Maronite residents in the area under the administration of "TRNC" authorities.

Under the Vienna III Agreement, the UNFICYP visited Greek Cypriot residents of the enclave weekly and Maronites twice a month; additional visits require preapproval by authorities. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, authorities only permitted such care by registered Turkish Cypriot doctors; individuals in enclaves also traveled to the government-controlled area for medical care.

Greek Cypriots and Maronites were able to take possession of some of their properties but were unable to leave their properties to heirs residing in the government-controlled area. A Maronite representative asserted that Maronites were not allowed to bequeath property to heirs who do not reside in the area administered by Turkish Cypriots and possess "TRNC" identification cards. The authorities allowed the enclaved residents to make improvements to their homes and to apply for permission to build new structures on their properties. Maronites living in the government-controlled area could use their properties only if those properties were not under the control of the Turkish military or allocated to Turkish Cypriots.

A majority of foreign workers in the area administered by Turkish Cypriots were Turkish. Those working in the agricultural and construction sectors were reportedly sometimes forced to sleep on the ground, and restaurant workers were seen sleeping after hours on chairs in the establishments where they worked.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Same-sex sexual activity between men is criminalized in the area administered by Turkish Cypriots under a general sodomy statute. The maximum penalty is 14 years' imprisonment. Homosexuality remained highly proscribed socially and was rarely discussed. Very few lesbian, gay, bisexual, or transgender (LGBT) persons were publicly open about their sexual orientation.

During the year there were no reports of either police or "government" representatives engaging in or condoning violence against the LGBT community.

While there were no recorded cases of official or societal discrimination based on sexual orientation in employment, housing, or access to education or health care, members of the LGBT community noted that an overwhelming majority of LGBT persons hid their sexual orientation to avoid such problems. They also complained that there is no specific antidiscrimination law for LGBT persons.

Other Societal Violence or Discrimination.—There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—All workers except members of the police and military forces have the legal right to form and join independent unions of their own choosing without prior authorization. The "law" allows unions to conduct their activities without interference and provides for the right to strike. The "law" does not permit essential service workers, namely judges and members of the police and armed forces, to strike. Authorities have the power to curtail strikes in "essential services." The "law" provides for collective bargaining but does not prohibit antiunion discrimination.Workers formed and joined independent unions in practice. Fewer than 2 percent of private sector workers and more than 60 percent of semipublic and public sector workers belonged to labor unions. Authorities generally protected the right of unions to conduct their activities in practice. While workers may legally strike, employers have an unrestricted right to hire replacement workers in the event of a strike, which limited the effectiveness of this right in practice.

On March 9, the "government" prohibited strikes at the "Title Deed Office" and the "courts," invoking its right to protect the provision of essential services due to a backlog of cases and files at both institutions. The employees of both institutions began their strikes on January 11 to protest the "government's" proposed austerity package. On July 19, the "government" prohibited a strike by the Turkish Cypriot Public Servants Union (KTAMS) at the Ercan Airport flight control tower and postponed it for 60 days.

Some unions complained that certain companies pressured workers to join unions led or approved by the company. Officials of independent unions claimed that the authorities created rival public sector unions to weaken the independent unions.

Workers exercised the right to bargain collectively in practice. The 27,244 public and semipublic employees who made up approximately 30 percent of the work force benefited from collective bargaining agreements.Union leaders claimed that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties for antiunion practices were nominal.

b. Prohibition of Forced or Compulsory Labor.—The authorities prohibited forced or compulsory labor, including by children, but there were reports that such practices occurred. Migrant workers in the construction and agricultural sectors were subjected to reduced wages and nonpayment of wages, beatings, and threats of deportation. One NGO asserted that there were cases of forced labor in the agricultural and domestic service sectors.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The "laws" generally provide protection for children from exploitation in the workplace. In contrast to previous years, NGOs alleged that authorities did not always effectively enforce these "laws," and children, mainly from Turkey, were being used for labor, primarily in the agricultural and manufacturing sectors and at industrial areas working in the automotive and construction sectors with their families.

According to accounts by the Turkish Cypriot Human Rights Foundation, child labor in the urban informal economy was also a problem, albeit to a lesser extent than in the agriculture and in manufacturing sectors.The minimum age for employment in an industrial undertaking is 15, the last year for which education is compulsory, and children may be employed in apprentice positions between the ages of 15 and 18 under a special status. Labor inspectors generally enforced the "law" effectively. It was common in family-run shops for children to work after school, and children as young as 11 worked in orchards during school holidays.

The "Ministry of Labor and Social Security" is responsible for enforcing child labor "laws" and policies and generally enforced them in practice. The "ministry" held monthly inspections and kept statistics of its findings. During the year inspectors identified 461 workers without work permits. Authorities fined 232 employers and companies for failures to comply with the "law," but their enforcement of the rules and requirements was generally perceived to be inadequate. Total fines amounted to 622,700 lira ($329,500), of which 410,210 lira ($217, 000) were actually collected.

d. Acceptable Conditions of Work.—The minimum wage was 1,300 lira ($689) per month. The official poverty line, dating from 2008, was set at 9, 632 lira ($5,100) per year, or 803 lira ($426) per month, for each household member in a family of four. Migrant workers were often provided substandard accommodations as part of their compensation or made to pay for accommodations. The "Ministry of Labor and Social Security" is esponsible for enforcing the minimum wage. However, it was widely reported that illegal foreign workers were generally paid below the minimum wage.

Authorities sporadically enforced occupational safety and health regulations. In 2011, 236 workplace accidents were reported in which 231 persons were injured and five persons killed.Limited information was available on conditions of work. According to information received from a civil servants union, working hours for the public sector were 38 hours a week from December through February and 39 hours for the rest of the year. There was premium pay for overtime in the public sector. Standard working hours for the private sector were 40 hours a week. Premium pay for overtime was also required, but frequently not paid, in the private sector. In the public sector, excessive compulsory overtime is prohibited in certain sectors, depending on the working hours.

According to a union representative, enforcement and labor inspection was almost nonexistent, and standards were not sufficiently and effectively enforced in all sectors. The representative also stated that officials did not take any action to prevent

violations of wages and working conditions. For example the minimum wage has not been increased in more than two years.

CZECH REPUBLIC

EXECUTIVE SUMMARY

The Czech Republic is a multiparty parliamentary democracy. Legislative authority is vested in the bicameral parliament, consisting of a Chamber of Deputies (Poslanecka snemovna) and Senate (Senat). The president, elected every five years by parliament, is head of state and appoints a prime minister from the majority party or coalition. In 2008 the bicameral parliament elected Vaclav Klaus as president for a second term. The elections for the Chamber of Deputies in May 2010 were considered free and fair, as were October 2010 elections for one-third of the seats in the Senate. Security forces reported to civilian authorities.

During the year societal discrimination against the country's Romani population was a serious problem, and human rights observers criticized the government's efforts to overcome it as inadequate. Official corruption remained a problem, despite enforcement efforts, as was trafficking in persons, particularly labor trafficking and exploitation.

Other human rights problems included instances of prison overcrowding, delays in the delivery of justice, violence against women, sexual and other abuse of children, anti-Semitism, and discrimination against labor unions and migrant workers.

The government took steps to prosecute and punish officials who committed abuses, both in the security services and elsewhere in the government, but pockets of impunity existed.

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

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

On April 6, the High Court raised from 3.5 to 10 years the sentence of a police officer convicted in the 2009 beating death of a Vietnamese man in Brno. It sent the cases against two other officers convicted in the attack back to a lower court for reconsideration.

b. Disappearance.—There were no reports of politically motivated disappearances, kidnappings, or abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports during the year that government officials employed them.

In August the Supreme Court overturned a regional court verdict that denied compensation for the forced sterilization of a Romani woman in 1997. The Supreme Court ruled the lower court should reconsider the case, stating that some individual compensation cases may be recognized even if the statute of limitations had expired before the case was filed.

Prison and Detention Center Conditions.—Overcrowding and insufficient staff were the main problems in the prison system and led to poor sanitary conditions and security risks. The Czech Helsinki Committee found continued prison overcrowding to be a problem and reported an increased number of complaints regarding health care and sanitation in prisons. Prisoners had access to potable water, but limited access to hot water was a sanitation issue, as only prisoners who work were permitted daily hot showers. All other prisoners were allowed hot showers only once a week.

In the first 11 months of the year, there were three deaths in prisons and one in a detention facility. The deaths were all due to natural causes. While no official numbers were available regarding tuberculosis, unofficial sources reported an increase in cases.

The ombudsman's office reported that problems in Valdice Prison, including inmate-on-inmate violence, were a consequence of inadequate funding. Valdice Prison holds prisoners serving life sentences as well as dangerous or high-security prisoners.

In November the total prison population was 113.5 percent of the intended capacity of 20,500 inmates. Facilities that held detainees prior to sentencing were at 109.3 percent of intended capacity. Facilities for holding prisoners serving their sentences were at 114 percent of intended capacity. Of the 23,269 persons in the country's detention and prison facilities as of November 1, 488 were women and 211 were juveniles. Pretrial detainees of both sexes, held separately, constituted 9 per-

cent of the total. Juveniles were not housed with adults. There were no reports of worse prison conditions for women than for men. There were no reports of inadequate recordkeeping in the prison system. Individual prisons did not have ombudsmen, but the Office of the Ombudsman investigates prisoner complaints throughout the system.

Prisoners and detainees had reasonable access to visitors (three hours per week) and were permitted to attend religious services. Authorities permitted prisoners and detainees to submit complaints to the Office of the Ombudsman without censorship, and the ombudsman investigated credible allegations of inhumane conditions in addition to his routine prison visits. In the first six months of the year, representatives of the ombudsman visited 35 locations, including prisons and police stations, to monitor cell conditions.

The Ministry of Justice, which oversees the prison system, also inspected prisons throughout the year. The government permitted independent monitoring of prison conditions by local and international human rights groups, such as the Helsinki Commission, and the media.

The law allows house arrest and alternative sentencing as a measure to alleviate prison overcrowding. During the year house arrest was used in 180 cases.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government observed these prohibitions.

Role of the Police and Security Apparatus.—The national police are responsible for enforcing the law and maintaining public order. The Ministry of Interior oversees the police and is responsible for investigating allegations of police misconduct. Corruption remained a problem among law enforcement bodies during the year.

In January the Ministry of Interior transferred to regional police offices the responsibilities and some of the personnel of the Foreigners' Police. The Foreigners' Police is an independent police force that handled all applications for, and problems with, long-term residency. The transfer was described as an effort to improve the quality of immigration and residency procedures. The change responded to numerous allegations by the government and nongovernmental organizations (NGOs) of corruption and inefficiency within the Foreigners' Police. Responsibility for granting residency permits was transferred to the Ministry of Interior.

Arrest Procedures and Treatment While in Detention.—In most cases, police use warrants issued by a judge to arrest persons accused of criminal acts. They may arrest a person without a warrant when they believe a prosecutable offense has been committed and consider an arrest necessary to prevent further offenses or destruction of evidence or to protect a suspect, or when a person refuses to obey police orders to move.

Police must turn over to a court within 24 hours a person arrested on a warrant. A judge then has an additional 24 hours to decide whether to continue to hold the individual. Suspects arrested without a warrant must be informed promptly of the reason for their arrest, questioned, and either released within 48 hours or turned over to a court. If police turn the detainee over to a court, a judge must decide within an additional 24 hours whether to charge the individual. Only a person who has been charged with a crime may be held for a longer period.

The law provides for bail except for serious crimes or to prevent witness tampering. A defendant in a criminal case may request a lawyer immediately upon arrest. If a defendant cannot afford a lawyer, the state will provide one. The court determines whether attorneys' fees will be partially or fully covered by the state. Authorities respected these rights in practice.

Pretrial Detention.—Under the law, pretrial detention may last no longer than two years except for "exceptionally grave" offenses. A suspect may petition investigating authorities at any time for release from detention. According to prison service data for the first nine months of the year, the average length of pretrial detention was 74 days.

Amnesty.—The president granted amnesty for humanitarian reasons to 46 persons in 2010 and to 17 in the first nine months of 2011.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary and the government generally respected judicial independence in practice. Complicated procedural rules at times delayed judgments for years. Bureaucratic issues, including staffing shortages and limited specialized judicial training hampered effectiveness. In the first half of the year, the average length of a criminal prosecution was 50 days at the district level and 332 days at the regional level. During the same period, the average length of court procedures was 199 days at the district level and 716 days at the regional level.

In most instances authorities respected court orders and carried out judicial decisions.

Trial Procedures.—The laws provide for the right to a fair trial, and the independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. Trials are public. Juries are not used. In serious cases a panel of three judges rules on the guilt or innocence of the defendant, while a single judge hears less serious cases. In trial courts on the district level, the panel of judges is composed of one professional judge, who is the chair, and two lay judges identified from the public. Appeals and cases originating in regional courts have only professional judges. Defendants have the right to consult an attorney; the government provides an attorney without charge to defendants who cannot afford one. Defendants have the right to be present at trial, confront adversarial witnesses, and present witnesses and evidence on their own behalf. Defendants and their attorneys are entitled to access government-held evidence relevant to their cases. Convicted persons have a right of appeal. The law extends these rights to all persons.

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

Regional Human Rights Court Decisions.—In the first nine months of the year, the European Court of Human Rights (ECHR) entered 13 judgments against the Czech Republic. The ECHR found violations of the right to liberty, to a fair criminal trial, and of access to a court in a commercial dispute. Other cases criticized the absence of adversarial proceedings before the constitutional court and the excessive length of judicial proceedings. The country generally sought to comply with the judgments.

In November 2010 the European Roma Rights Center (ERRC) filed a complaint with the Committee of Ministers of the Council of Europe (COE), which is charged with overseeing implementation of ECHR rulings, asserting that the government failed to comply with European law by not integrating Romani children into mainstream schools (see section 6). The ERRC requested that the Committee of Ministers require concrete steps towards the integration of Romani students. The COE committee's review continued at year's end.

Civil Judicial Procedures and Remedies.—The constitution provides for a separate, independent judiciary in civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct. Plaintiffs may appeal unfavorable rulings to the ECHR. Administrative remedies are also available.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press. The law mandates prison sentences of six months to three years for persons who deny Communist-era crimes or the Nazi Holocaust. "Speech" in any form that incites hatred based on race, religion, class, nationality, or other group affiliation is also illegal and carries a sentence of up to three years in prison.

On April 4, the regional court in Brno set aside the convictions of six members of the now-banned Workers' Party for inciting hatred; defaming a nationality, ethnic group, and race; and supporting a movement seeking the suppression of human rights and freedoms. The regional court sent the case back to the lower court for another hearing.

Freedom of Speech.—Individuals were free to criticize the government publicly or privately or discuss matters of general public interest without reprisal.

Freedom of Press.—Independent media were active and expressed a wide variety of views with few restrictions.

On August 1, an amendment to a 2009 "muzzle law" entered into force. The 2009 law makes it a criminal offense to publish information obtained from wiretaps and other police sources, the names of victims of serious crimes, and the names of victims of any crime if they were younger than age 18. The new amendment allows journalists to release such information if they consider it to be in the "public interest."

Internet Freedom.—There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without court orders. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice.

The government may legally restrict or prohibit gatherings, including marches, demonstrations, and concerts that promote hatred or intolerance, advocate suppressing individual rights, or jeopardize the safety of participants. Protesters are required to have permits for demonstrations, but police generally did not interfere with spontaneous, peaceful demonstrations.

On April 9, police disbanded an ecumenical service organized in response to a planned and approved neo-Nazi march in the town of Krupka. The media reported that police used force against the attendees of the service, and the local town hall fined the organizers. Under the law religious gatherings may assemble without the prior permission of authorities, although the law does not indicate which gathering would take precedence in these circumstances. The police stated that the planned march had precedence. Courts later dismissed the fines.

Freedom of Association.—The constitution and law provide for freedom of association, and while the government generally respected this right in practice, the law required organizations, associations, foundations, and political parties to register with local officials or the Ministry of Interior. Groups that incite hatred based on race, religion, class, nationality, or other group affiliation or use banned symbols, can be dissolved or banned by the courts or refused registration permission by the Ministry of Interior.

On August 17, the Supreme Administrative Court dissolved the right-wing National Party, which had de facto ceased operations in 2009, for administrative reasons. The party was known for its anti-Romani and Euro-skeptic opinions, as well as an ad calling for the "Final Solution" to the Romani "issue" by having all Roma deported to India.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Temporary protection is available based on EU laws.

Safe Country of Origin/Transit.—By law the Ministry of Interior accepts asylum applications from persons arriving from or through countries deemed to be safe as defined by law. Such applications are most often refused, but authorities review all cases individually and may approve exceptional cases. During the year there were no reports or complaints regarding the safe country of origin or transit policy.

Nonrefoulement.—In practice the government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugee Abuse.—The law allows the government to detain asylum applicants who attempt to enter the country via an international airport for up to 120 days. This provision particularly affected applicants lacking identity documents.

Durable Solutions.—A resettlement program between the government and UNHCR continued on an ad hoc basis. The program resettled 25 people during the year, mainly from Afghanistan, Belarus, and Uzbekistan.

Temporary Protection.—Authorities granted subsidiary protection, a de facto refugee status for those who do not qualify for asylum, to 178 persons during the year.

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

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

Elections and Political Participation.—Recent Elections.—In May 2010 the country held elections for seats in the Chamber of Deputies, the lower chamber of parliament. In October 2010 elections were held for one-third of the seats in the Senate and for municipal governments. Both elections were considered free and fair.

Participation of Women and Minorities.—There were 45 women in the 200-seat Chamber of Deputies, including the speaker and two of three deputy speakers, and 15 women in the 81-seat Senate. There were two women in the 15-member cabinet. Fifteen percent of judges were women, including five women on the 15-member Constitutional Court. One of the country's 13 regional governors was a woman.

One justice of the constitutional court was an ethnic Slovak. Few of the country's estimated 200,000 Roma were integrated into political life. No Roma were members of parliament, had cabinet portfolios, or sat on the Supreme Court. Some Roma were appointed to national and regional advisory councils dealing with Romani affairs.

Representatives from the 12 national minority groups were included in the 31-member Government Council for National Minorities, an advisory group that includes government officials. Each minority group may nominate up to three representatives to the council.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. According to World Bank governance indicators, corruption was a problem in the country.

Corruption in public procurement was a major problem. Factors contributing to the infrequent prosecution of high-level corruption included the absence of a system for granting immunity to persons willing to testify against co-conspirators, the lack of a specialized prosecutorial body, inadequate legislation requiring disclosure of source of assets, the use of anonymous bearer bonds, lax regulation of public procurement, weak rules governing the financing and lobbying activities of campaigns and parties, ineffective police investigative tools, a lack of rules to protect whistleblowers and civil servants from political pressure, political pressure on prosecutors intended to disrupt investigations, and the limited number of experienced investigators at regional levels.

During the year the government took several steps to prevent and combat corruption. An agreement between the parties in the governing coalition obligates the ruling coalition parties to adopt legislation to address the shortcomings identified above. In January the cabinet adopted a 58-point national anticorruption strategy for 2011 and 2012 that identifies necessary legislative and regulatory changes and provides a timeline for their implementation. The Ministry of Interior issues regular public reports on fulfillment of the strategy. While the government has made progress on completing the strategy, it has fallen behind its own timeline on several points.

Legislation that took effect in September eliminated the requirement that all defense procurement transactions be conducted through middlemen and significantly restricted the use of sole-source procurement, thereby reducing opportunities for corruption. The parliament enacted legislation introducing corporate criminal liability beginning on January 1, 2012. Parliament also amended the criminal code to strengthen guidelines for sentencing persons found guilty of corruption and expanded the use of investigative tools such as wiretaps in corruption investigations. The government strengthened rules for disposal of municipal and regional properties.

A police anticorruption unit investigated corruption allegations against high-level officials and major regional and local perpetrators, as well as some private individuals and companies. Regular police units investigated lower-level cases. According to the Ministry of Interior, during the first half of the year police pursued 105 bribery cases (30 for offering a bribe, 71 for receiving a bribe, and four for indirect bribery) and investigated 35 public officials for abuse of authority, an increase from the previous year. According to the Ministry of Justice, courts convicted 40 public officials for abuse of power, including three who were sentenced to prison and 34 released on probation. Six officials were fined. Of 57 public officials convicted of bribery-related offenses (18 for receiving a bribe, 38 for offering a bribe, and one for indirect bribery), nine were sentenced to prison and 44 were released on probation.

Ten officials were fined. From January through September, the specialized anticorruption police unit, which has responsibility for high-profile corruption cases, investigated 66 cases of public corruption. Investigators completed eight cases and forwarded them for prosecution.

The press continued to report allegations of corruption.

In April two members of the junior governing VV party (a conservative liberal political party), including the head of the party's parliamentary caucus, accused Minister of Transport Vit Barta of bribing them to remain loyal to the party. Barta denied that the funds he provided to the members were bribes, describing them as loans, but he admitted that the cash payments might have broken laws against money laundering. He and party colleagues claimed that the accusations were an effort to fracture the newly formed party, which had risen to prominence on an anticorruption platform. Barta resigned his position, saying he would not return to high office until his name was cleared. The party expelled the two parliamentarians while a third resigned. In September the parliament stripped Barta of his immunity so that the investigation could continue, a move supported by Barta and his party. In October police charged Barta and a former party member with bribery, and the investigation continued at year's end.

In November Minister of Justice Jiri Pospisil removed Vlastimil Rampula, the high state's attorney, who allegedly played a role in leaking the testimony of an Austrian witness in the investigation of alleged kickbacks paid to government officials and political parties during negotiations for the purchase of military vehicles from an Austrian company. Rampula's alleged interference in other corruption investigations reportedly was another reason for his dismissal.

In December prosecutors brought charges of attempted fraud and bribery against two unnamed individuals in a case involving allegations by a U.S. businessman (and former U.S. ambassador to the Czech Republic) that in 2008 then deputy defense minister Martin Bartak solicited a multimillion-dollar bribe in exchange for assistance in resolving a dispute involving the former ambassador's company and one of its key suppliers. In December prosecutors brought charges of attempted fraud and bribery against two unnamed individuals.

Several ministries had anticorruption hotlines for citizens to report allegations. The Ministry of Interior's anticorruption hotline, administered by the government watchdog NGO Oziveni, received 1,107 calls in the first nine months of the year. Oziveni identified 574 relevant complaints, including 38 concerning the judiciary, 136 concerning police, 156 concerning property rights and construction permits, and 74 concerning public procurement.

Credible allegations of corruption in the judiciary persisted, particularly in connection with bankruptcy and financial criminal proceedings. In October Justice Minister Pospisil filed a criminal complaint against Judge Jan Kozak, vice chair of the Brno Regional Court, accusing him of assigning bankruptcy cases to judges out of order. Kozak had assigned himself a high-profile bankruptcy case involving a clothing manufacturer. The complaint was reportedly based on information contained in an annual report by the Czech Security Information Service in September. The case was pending at the end of the year. Pospisil also filed disciplinary complaints against Kozak and his superior, Judge Jaromir Porizek.

The law provides for public access to government information, and the government usually provided such access to citizens and noncitizens, including foreign media. NGOs reported an increasing number of denials during the previous two years, especially at the local level and on the use of public finances. Applicants whose requests are denied have 15 days to appeal. They may also appeal if authorities exceed the time limit for processing a request.

The law obliges legislators, members of the cabinet, and other selected public officials to make annual asset declarations. However, asset declarations can only be viewed in person based on written request and are often general and lacking in information. Only assets gained since taking up one's public function must be reported.

Several cases involving requests for public access to information reached the courts during the year, and courts were reportedly receptive to the plaintiffs. The Supreme Administration Court ruled against the efforts of the Ministry of Finance to conceal the identities of past recipients of tax-forgiveness rulings. When the ministry required the plaintiff, the economic daily newspaper Hospodarske Noviny, to pay for the reproduction of records, requesting 250,000 korunas (approximately $12,830) for the full record, the newspaper accessed a smaller number of documents with financial support from the Open Society Fund.

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

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

Government Human Rights Bodies.—Representatives from the Office of the Ombudsman made regular visits to government and private facilities where residents have limited movement, (i.e., prisons, orphanages, and senior citizens' homes), examining the treatment of individuals and monitoring respect for fundamental rights. The office issued quarterly and annual reports on its activities in addition to reports on topics of special concern. The office operated without government or party interference, had adequate resources, and was considered effective. In the first six months of the year, the ombudsman received 3,716 complaints,181 regarding the prison, police, and military services. Of the total, 57 percent fell within the office's mandate. In the same period, the information hotline received 5,307 requesting simple advice. The ombudsman opened 724 inquiries in 2010.

On February 15, the prime minister named Monika Simunkova to be the new human rights commissioner, filling a position that had been vacant since September 2010. NGOs continued to criticize the government's 2010 decision to downgrade the commission from the ministerial level, claiming that it showed a lack of government concern for human rights problems.

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

The law prohibits discrimination based on gender, age, disability, race, ethnic origin, nationality, sexual orientation, religious faith, or personal belief. The government did not effectively enforce these provisions. Significant societal discrimination against Roma persisted, and trafficking in persons also remained a problem.

Women.—Rape and Domestic Violence.—The law prohibits rape, including spousal rape, and carries a penalty of two to 15 years in prison. The government effectively enforced these provisions. Although experts considered rape to be underreported, they noted an upward trend in the number of rape convictions since 2001. They attributed this trend to improved police training, public awareness campaigns, and greater interaction between police and NGOs. In the first six months of the year, 312 rapes were reported, 169 of which were investigated. Courts convicted 95 offenders, 53 of whom received prison sentences and the remainder were given suspended sentences. In 2010, 586 rapes were reported, of which 377 were investigated, and 172 offenders were convicted, of whom 100 received prison sentences, while the remainder were given suspended sentences.

Experts believed that violence against women was more widespread than suggested by the number of cases reported to authorities due to the stigma associated with reporting such abuses.

Domestic violence is punishable by up to three years in prison with longer sentences under aggravated circumstances. Police have the authority to remove violent abusers from their homes for 10 days. In the first six months of the year, the NGO Bily Kruh Bezpeci reported that 719 offenders, including women, were removed from the home.

In the first six months of the year, Interior Ministry statistics reported 356 cases of domestic violence, and police investigated 262 cases. During the same period, 140 individuals were convicted of domestic violence, of whom 41 received prison sentences and 98 were given suspended sentences. Alcohol, drugs, work-related stress, and gambling played a major role in many domestic violence cases.

Police continued to train personnel selected to handle domestic violence cases and to work with social service agencies. Several hotlines and crisis centers offered psychological counseling to victims of rape and domestic abuse. In the first six months of the year, for example, the Dona hotline received 1,939 calls related to domestic violence, compared with 4,035 in 2010.

Sexual Harassment.—The law prohibits sexual harassment; but the government did not effectively enforce the law, and sexual harassment remained a problem. The law places the burden of proof on the defendant. Those convicted can be fined up to 70,000 korunas ($3,880), dismissed from work, or sentenced to prison. According to a 2009 study conducted by the Gender and Sociology Section of the Czech Academy of Sciences, 25 percent of female respondents had experienced sexual harassment at work.

Offenders convicted of stalking can be sentenced to up to three years in prison. In the first half of the year, 339 cases of stalking were reported to police, who transferred 229 to prosecutors for further investigation. Courts convicted 93 individuals

of stalking in the first half of the year, of whom 10 received prison sentences and 68 were given suspended sentences. In 2010 courts convicted 83 individuals, giving prison sentences to 13 and suspended sentences to 61. Six individuals received other forms of punishment, while three received no punishment at all.

Sex Tourism.—Sex tourism remained a problem. Due in part to a crackdown by local governments, sex tourism in border areas and major urban areas decreased during the year.

Reproductive Rights.—Couples and individuals generally had the right to decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so without discrimination, coercion, or violence. Access to contraception and skilled obstetrical care was widespread.

Discrimination.—The law grants men and women equal rights, including in family and property law matters. According to data from the Czech Statistical Office for the second quarter of the year, 57 percent of women were employed, constituting 43 percent of the workforce. Women's salaries for similar work lagged behind men's by just over 26 percent, and women were more likely to work in less well-paid professions than men. The Council for Equal Opportunities for Men and Women monitored gender problems and advised the government on enforcing equal gender rights.

Children.—Birth Registration.—Citizenship is derived from one's parents. Any child with at least one citizen parent is automatically a citizen. Births are registered immediately.

Child Abuse.—Although illegal in many forms, child abuse remained a problem. A minor is defined as any child under the age of 18. According to an ongoing 15-year study conducted by sexologists at the medical school of Charles University in Prague, 10 percent of children in the country have experienced sexual abuse; 7 percent were sexually abused at least once, while 3 percent experienced such abuse repeatedly.

Prison sentences for those found guilty of child abuse range up to 12 years, or to 18 years in the case of the death of a child. The ministries of interior and justice implemented use of special interviewing rooms for child victims and witnesses. A child victim is not required to give additional testimony in any future court proceedings when specially trained police follow the special interview requirements (including the presence of psychologists and, in some cases, judges and defense attorneys).

Child Marriage.—The minimum legal age for marriage is 18. Some members of the Romani community married before reaching the legal age.

Sexual Exploitation of Children.—Sexual relations with a child younger than age 15 is punishable by a prison term up to eight years or, in the case of the death of the child, up to 18 years. The minimum age of consensual sex is 15. The law prohibits the possession, manufacturing, and distribution of child pornography, which is punishable by imprisonment for up to eight years. According to Ministry of Interior statistics, police investigated 30 cases of commercial sexual exploitation of children in the first six months of the year, compared with 46 cases in all of 2010. There were also reports that some children engaged in prostitution without apparent third-party involvement.

In the first six months of the year, the Ministry of Justice reported that courts convicted 32 individuals and gave them suspended sentences for production or other handling of child pornography. Nine individuals were convicted for misuse of a child for pornography production (with one receiving a prison sentence and eight receiving suspended sentences).

On October 4, police raided more than 30 homes as part of a nationwide operation against child pornography and took into custody 10 suspects for the production and distribution of child pornography. More than 60 computers were confiscated as part of the raid. Charges were pending and police expected the number of suspects to rise.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—Although estimates varied, the country's Jewish population was believed to be approximately 10,000. Public expressions of anti-Semitism were rare, but small, fairly well-organized right-wing groups with anti-Semitic views were active around the country. The Ministry of Interior continued to counter such groups, monitoring their activities, increasing cooperation with police from neighboring countries, and shutting down unauthorized rallies. While the number of rallies and demonstrations by extreme-right groups increased during the year, few were anti-Semitic in tone.

On August 14, unknown vandals spray-painted an anti-Semitic symbol on a memorial to the Jewish victims of the Holocaust in Ostrava. Police were investigating the case.

In 2010 the Ministry of Interior recorded 28 criminal offenses with an anti-Semitic motive. During the same period, the Federation of Jewish Communities reported 16 anti-Semitic incidents, including damage to property, spray-painting of anti-Semitic remarks and Nazi symbols, threats, and intrusions.

Throughout the summer and fall, leading government officials, local NGOs, and Jewish groups called for the resignation of Ladislav Batora, head of the Ministry of Education's personnel department. Batora has links to anti-Semitic, anti-Roma, racist, and far-right organizations.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, mental, and other disabilities in employment, education, access to health care, and the provision of other state services, and the government generally enforced these provisions. Nevertheless, persons with disabilities faced a shortage of public accommodations and were unemployed at disproportionately high rates.

Of Prague's 57 metro stations, 30 were accessible to persons with disabilities, including only five of the 15 major stations in the city center. A majority of buses and new tramcars have low-floor entry doors to accommodate passengers with disabilities. The metro, bus, and tram systems provide stop announcements and equipment for visually impaired riders.

The ombudsman is required to make regular visits to all governmental and private workplaces of persons with physical restrictions to examine conditions, ensure that fundamental rights are respected, and advocate for improved protection against mistreatment. His office made these visits throughout the year.

The government continued its program to aid persons with disabilities, Mobility for All, and selected 16 additional projects for funding. Mobility for All aims to build barrier-free sidewalks, crossings, crossroads, and handicapped elevators in government institutions, purchase barrier-free buses, and provide barrier-free access to government institutions, schools, libraries, galleries, and museums.

National/Racial/Ethnic Minorities.—Minority groups in the country included Roma, Ukrainians, Slovaks, Vietnamese, Poles, Russians, and Germans. Roma, who numbered approximately 200,000 experienced high levels of poverty, unemployment, and illiteracy and faced varying levels of discrimination in education, employment, and housing. Societal prejudice against the country's Romani population at times resulted in violence. Throughout the year extremists targeted Romani neighborhoods as venues for their protests and occasional violence. Police investigated several incidents of torches or Molotov cocktails being thrown at Romani houses. Extremist groups also marched through Romani areas carrying torches and chanting slogans. Some human rights organizations criticized the government's response to discrimination against Roma as inadequate.

Members and sympathizers of neo-Nazi organizations were the most frequent perpetrators of acts of interethnic violence, particularly against Roma. Ultranationalists were also active. During the year neo-Nazi and right-wing extremist groups held rallies or marches in several cities. In a report released on September 3, the Organized Crime Unit of the police estimated there were 500-600 active neo-Nazis in the country and approximately 5,000 persons who openly sympathized with the movement.

The Workers' Party (DS), which was conspicuous for its hostility to Roma and other minorities, was banned in February 2010, but it was replaced by the Workers' Party for Social Justice (DSSS) soon afterward. DSSS and DS membership and leadership were virtually the same.

The national media gave disproportionate coverage to crime and acts of violence committed by Roma compared with similar behavior on the part of the majority population or other minorities.

Some mainstream politicians have been outspoken in their criticism of Romani communities. Their statements often vilified the Romani minority, blaming it for community problems and assigning collective guilt for crimes. Some politicians called for municipalities to move Romani residents to the outskirts of town into what is often substandard housing, ban alcohol in areas with high Romani populations, and limit residency options for Roma who commit multiple minor crimes.

Beginning on August 26, a series of anti-Roma protests took place in the North Bohemian region in response to two incidents of Romani violence towards the ethnic Czech population. Each weekend for several weeks, local residents, joined by right-wing extremists, marched through the region, including the towns of Varnsdorf,

Rumburk, and Novy Bor. On several occasions protesters turned violent, and police intervened to protect Romani residents. The marches differed from previous marches in that a majority of the protesters were local residents rather than neo-Nazis or other extremists.

On March 18, an appeals court reduced the sentence of Ivo Mueller, one of four persons convicted of a 2009 Molotov cocktail attack on a Romani family that seriously injured a two-year-old girl. The original 22-year sentence was reduced to 20 years. The court upheld the sentences of the other attackers, as well as monetary compensation to the family.

Although a 2009 law prohibits employment discrimination based on ethnicity, Roma continued to face discrimination in employment, access to housing, and in schools. Some employers refused to hire Roma and requested that local labor offices not send them Romani applicants. There were few prosecutions under the law during the year. An estimated 57 percent of Roma were unemployed. In areas with a high percentage of Romani residents, unemployment among Roma was close to 90 percent according to the Agency for Social Inclusion in Roma Localities.

Authorities took few measures to counter discrimination against Roma in access to housing and other accommodations. While housing discrimination based on ethnicity is prohibited by law, NGOs stated that some municipalities applied municipal regulations in ways that discriminated against certain socially disadvantaged groups, primarily Roma, including basing housing decisions on the reputation of the applicant and family at previous residences. A newly adopted Strategy to Combat Social Exclusion, which contains provisions regarding access to housing, was designed to streamline the process.

According to new estimates, there were more than 400 "excluded" localities, or ghettos, in the country, and all were inhabited almost entirely by Roma. These ghettos were often blighted by substandard housing and poor health conditions. Beyond housing discrimination, reasons for the growth in Romani-dominated ghettos included urban gentrification and unaffordable rents elsewhere.

Restaurants, bars, and other public establishments at times refused to serve Roma.

A decrease in social benefits during the year had a disproportionate impact on Romani families already hit by the high rate of unemployment and the difficulty of finding affordable housing.

Romani children were often subject to discriminatory treatment. In a November statement, the international human rights NGO Amnesty International asserted that four years after an ECHR ruling that the practice was illegal, the authorities had "failed to address the problem of systematic segregation of Romani children in the schools." Romani children were enrolled at disproportionately high rates in remedial schools, known as "practical" schools, which effectively segregated them into a substandard educational system. According to the Ministry of Education, approximately 27 percent of Romani children attended "practical" schools during 2010, compared with 2 percent of non-Romani children. In regular schools, Romani children were often segregated from the majority population due to their place of residence (often in a Romani-majority neighborhood) and because school officials in regular schools at times separated Romani children for remedial instruction. The decision to place a child in a practical school is made by a judge based on a social worker's recommendation.

Although the law permits Romani curricula, no elementary school in the country used the curricula. The Romani language was taught as a foreign language at two secondary schools and several universities.

During the first half of the year, more than 50 experts at the Education Ministry resigned from a working group that was supposed to design a plan for improving education for disadvantaged children. They asserted that the minister gave insufficient attention to the issue. The ministry announced plans to commission further studies on inclusive education, but NGOs maintained that several similar studies were already available. Civil society and political leaders criticized the minister for appointing to a senior position at the Ministry of Education an official who had previously been a candidate for parliament on an extremist party ticket. They interpreted the appointment as a sign of the government's lack of serious interest in solving the inclusive education issue.

On September 23, the cabinet adopted the Strategy for Combating Social Exclusion with the aim of improving education, housing, security, regional development, employment, and family/social/health services for socially excluded or disadvantaged individuals, many of whom were members of ethnic and other minorities. The program is the responsibility of the Agency for Social Inclusion, established in 2008 to coordinate social integration efforts. The agency oversaw continuing projects in 33 localities during the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The government did not keep statistics regarding incidents of violence directed at individuals based on their sexual orientation or gender identity. A report by a governmental working group on problems involving sexual minorities indicated that physical and verbal attacks occurred but were rarely reported.

There were some reported instances of discrimination against persons based on sexual orientation or gender identity. For example, lesbian, gay, bisexual, and transgender (LGBT) couples may not adopt a child, nor may a gay man or lesbian in a partnership adopt his or her partner's biological child, although single LGBT individuals may adopt.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law protects the right of workers to form and join unions of their choice without authorization or excessive requirements. It permits them to conduct their activities without interference. Workers in most occupations have the legal right to strike if mediation efforts fail. The law provides for collective bargaining, which generally was carried out by unions and employers on the company level. The law prohibits antiunion discrimination.

The scope for collective bargaining was more limited for civil servants, whose wages are regulated by law. By law only trade unions may legally represent workers, including nonmembers. When planning a strike, unions are required to inform employers in writing of the number of strikers and a list of the members of the strike committee or contact persons for negotiation. While regulations entitle union members to conduct some union activities during work hours, they do not specify how much time workers may use for this purpose, leaving room for diverse interpretations on the part of employers.

Workers, including some foreign and migrant workers, generally exercised the right to organize and join free labor unions, to strike, and to bargain collectively. This right covers both citizens and foreign workers, but the latter generally did not join unions due to the often short-term nature of their work or the lack of social interaction with citizen employees. According to the Czech Moravian Federation of Trade Unions (CMKOS), the number of violations of labor law and trade union rules increased during the year. CMKOS attributed the increase to the economic recession. Responses to a questionnaire CMKOS submitted to its affiliates during the year elicited a number of instances of violations and discrimination, including administrative obstacles to the collective bargaining process, unauthorized unilateral wage changes, and threats of dismissal if they did not terminate their union activities. Employees, both union and nonunion, were often unwilling to file formal complaints or to testify against their employers due to fear of job loss, reduced wages, or worsening labor conditions. According to CMKOS, employees usually filed complaints only if their jobs were immediately threatened or after a job loss.

CMKOS reported cases in which employers did not allow union members sufficient paid time off to fulfill their union responsibilities. Employees of the Prague State Opera reported bullying and threats of dismissal in response to their protests against a planned merger of the opera with the National Theater.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, but there were reports that men and women, including migrant workers, were subject to conditions of forced labor in the country.

Since 2009 police investigations have identified more than 2,000 persons who asserted that they had been exploited by labor agencies under contract to the state-owned forestry concern Lesy CR. According to several NGO and police sources, more victims in the Lesy CR forestry worker case came forward during the year. The workers signed contracts to plant trees but in some cases were not paid by employers, who claimed that the contracts were for "training." Work conditions were harsh, and workers reported often going without food. Police coordinated investigations with officials in surrounding countries to track cases of exploited workers who had returned home after leaving their forestry jobs. Licenses of some of the smaller labor agencies in the country were suspended, but authorities filed no formal charges during the year.

Also see the Department of State's Trafficking in Persons Report at http://www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum legal working age is 15. Employment conditions for children ages 15 to 18 were sub-

ject to strict standards of safety, permitted hours, and noninterference with education. Infringement of child labor rules is subject to fines of up to two million korunas ($103,000). The State Bureau for Labor Inspections (SBLI) effectively enforced these regulations. During the year the SBLI did not report any cases of child labor law violations.

d. Acceptable Conditions of Work.—The Ministry of Labor and Social Affairs establishes and enforces minimum wage standards. During the year the national minimum wage was 8,000 korunas ($410) per month. By comparison, the "Existence Minimum Cost," described as the minimum amount needed to satisfy the basic needs of a working-age adult for a month, was 2,200 korunas ($115). Enforcement of the minimum wage was one of the primary objectives of SBLI inspections.

The law provides for a 40-hour workweek, two days of rest per week, and a break of at least 30 minutes during the standard eight-hour workday. Employees are entitled to 20 days of paid annual leave. Employers may require up to eight hours per week of overtime to meet increased demand, but not more than 150 hours of overtime in a calendar year. Additional overtime is subject to the consent of the employee. Premium pay for overtime, equal to at least 125 percent of the average earnings, is governed by the provisions of the labor code.

During the year SBLI inspectors conducted 5,440 labor code enforcement checks. The SBLI imposed fines totaling 19.3 million korunas ($990,000) for substantial violations of the labor code involving contracts, wages, overtime pay, and rest periods. There are 720 labor inspectors in the country.

According to the International Organization for Migration, the standard conditions of work were not always observed in situations involving migrant workers. Relatively unskilled foreign workers from less developed countries were sometimes dependent upon temporary employment agencies to find and retain work. According to trade unions and NGOs, migrants sometimes worked under substandard conditions and were subject to inhumane treatment by these agencies. Most commonly, salaries were paid to the agencies, which then garnished wages, resulting in workers receiving subminimum wages, working overtime without proper compensation, or working without any compensation at all. Since migrant workers seldom filed formal complaints of such abuses, authorities had fewer opportunities to intervene.

The SBLI undertook regular inspections and dealt with accusations of labor infringements. During the year, it conducted 95 checks of work agencies employing migrant workers. According to the SBLI, the inspections revealed inconsistencies in work agreements, denials of salary bonus payments or on-time salary payments, and inconsistencies involving working hours and overtime. Although the SBLI did not establish any cases of systematic discrimination based on citizenship, gender, age, or health status, labor law violations were most frequently reported in cases where labor and wages conditions for permanent staff differed from those of temporary workers hired by agencies.

The labor code obliges an employer to provide safety and health protection in the workplace, maintain a safe and healthy work environment, and prevent health and safety risks. The SBLI effectively enforced health and safety standards. During the year, 8,805 checks focused on health and safety standards, primarily in construction and in the chemical, manufacturing, transport, and heavy machine industries. The inspections occurred both proactively and reactively during the year. Fines in excess of 14.6 million koruna ($749,000) were imposed in cases where infringement of the law was substantial. The number of registered injuries in the workplace increased by 2.7 percent from 2010, and fatal accidents increased by 8 percent during the same period. The vast majority of injuries and deaths occurred in the construction industry. Employees of small to medium-sized companies often avoid using protective gear, although the employer provides it. Injuries often occur due to underestimation of risks by the employee and a lack of consistent control or supervision by the employer.

DENMARK

EXECUTIVE SUMMARY

The Kingdom of Denmark is a constitutional monarchy with democratic parliamentary rule. Queen Margrethe II is head of state. A prime minister, usually the leader of the majority party or coalition, is head of government and presides over the cabinet, which is accountable to a unicameral parliament (Folketing). Elections on September 15, which observers deemed free and fair, gave a plurality to a left-

of-center coalition led by the Social Democratic Party. Security forces reported to civilian authorities.

There were no widespread or systemic human rights abuses during the year.

There were some continuing human rights problems. Authorities often held pretrial detainees together with convicted criminals, and there were instances in which they held youth offenders together with adults. Authorities prosecuted, and courts convicted, several individuals for violating laws restricting speech that was judged discriminatory based on race, religion, or other grounds. Nongovernmental organizations (NGOs) criticized the government for returning asylum seekers to Iraq. There continued to be occasional reports of societal religious and ethnic discrimination against minority groups, domestic violence against women, wage discrimination against women, and trafficking in persons.

In cases where officials committed abuses, the government took steps to prosecute those responsible.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted monitoring visits by independent human rights observers.

According to government statistics, during 2010 the average daily prison population was 4,091, approximately 99 percent of capacity. Approximately 4.4 percent of inmates were women and 0.3 percent juveniles. Authorities often held pretrial detainees together with convicted criminals, and there were instances in which authorities detained children together with adults.

Prisoners had access to potable water. The parliamentary ombudsman functions as a prison ombudsman as required. Alternatives to incarceration are available to the courts for nonviolent offenders. There were no reports that conditions for women prisoners were worse than those for men.

Prisoners generally had access to visitors. They were permitted religious observance. Prisoners were able to submit complaints without censorship, directly to the Prison and Probation Service or through the parliamentary ombudsman. Authorities investigated credible allegations of inhumane conditions, and their investigations were kept in a public register.

The government permitted monitoring, in accordance with their standard modalities, by independent nongovernmental observers (e.g., human rights groups, the media, the International Committee of the Red Cross), as well as by international bodies such as the Council of Europe's Committee for the Prevention of Torture.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police, who are responsible in law and practice for enforcing the law and maintaining order under the supervision of the Ministry of Justice, The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—The law allows police to begin investigations and make arrests either on their own initiative based upon visual evidence, or based on a court order following an indictment filed by public prosecutors with the courts. Apprehended persons appear before an independent judiciary.

When authorities take an individual into custody, the law generally mandates that he or she appear before a judge within 24 hours; however, a foreigner arrested in connection with immigration proceedings (i.e., for deportation) may be held up to 72 hours before appearing before a judge. The law requires police to make every effort to limit this time to less than 12 hours; however, statistics describing the average time between the apprehension of prisoners and their first appearance before a judge were not available. In most cases authorities may not hold detainees for more than 72 hours while the judge determines their status.

Authorities generally respected the right of detainees to a prompt judicial determination and informed them promptly of charges against them. There is no bail system; instead, judges decide either to release detainees on their own recognizance or

to keep them in jail until trial. Pretrial detention is authorized only if the alleged violation could result in a sentence longer than 18 months, if there is reason to believe the detainee is a flight risk or may intend to commit a new offense, or if the release would impede the investigation of the case. While the period of pretrial custody should not exceed four weeks, a court order may further extend custody in four-week increments. There were no known cases of suspects detained incommunicado or held under house arrest.

A document circulated to police by the Danish Prison and Probation Service outlines detainees' rights to inform next of kin of their arrest, to contact a lawyer, and to obtain medical treatment. The circular specifies that arrested persons always have the right to unsupervised visits with an attorney from the time they are brought to a police station. The government provided counsel for those who could not afford legal representation. Police may deny other forms of visitation to those in custody, subject to a court appeal. In practice, however, police generally did not restrict visitor access.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. Authorities generally respected court orders.

Trial Procedures.—Defendants are presumed innocent until proven guilty. Trials are open. Criminal cases in which the maximum penalty is greater than four years' imprisonment must be heard by juries. The law gives defendants the right to timely consultation with an attorney, at public expense if needed. Defendants have the right to question witnesses against them and to present their own witnesses. Defendants and their attorneys have access to government evidence relevant to their cases. The right of appeal is automatic and encompasses both procedural matters and sentences imposed. The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

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

Regional Human Rights Court Decisions.—The European Court for Human Rights (ECHR) issued one judgment against Denmark during the year, and authorities complied with it.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to the court system to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies are also available domestically, and individuals or organizations can appeal decisions to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—*Status of Freedom of Speech and Press.*—The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech.—The law prohibits any public speech or the dissemination of statements or other pronouncements that threaten, deride, or degrade a group because of their race, skin color, national or ethnic background, faith, or sexual orientation; offenders may be fined or imprisoned for up to two years. The law also prohibits "blasphemy" and provides that a person who publicly mocks or insults a legally existing religious community's tenets of faith or worship may be fined or imprisoned for up to four months.

On May 3, in a high-profile case, the Eastern High Court convicted press-freedom activist Lars Hedegaard and fined him 5,000 kroner ($870) for statements he made in 2009, including that Muslims "rape their own children" and that Islam is not a religion but "first and foremost a political ideology in line with communism and Nazism." The conviction followed an acquittal earlier in the year by the Frederiksberg District Court. In 2010 police charged 24 individuals with racism for violating one or more of the prohibitions.

Freedom of Press.—The law makes it an offense for a person, group, or association to promote the affairs of a terrorist organization. On August 15, the television station Roj-TV went on trial as a result of government allegations in 2010 that the station had links to the Kurdish terrorist organization PKK/Kongra-Gel.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, authorities continued to employ an Internet filter designed to block child pornography. There were no known cases in which the filter affected legitimate sites.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Nonrefoulement.—In its May submission to the U.N. Human Rights Council in connection with the Denmark's Universal Periodic Review, the NGO Amnesty International stated that, since May 2009 at least 66 Iraqi asylum seekers had been forcibly returned to areas considered unsafe by the UNHCR, including central and southern Iraq. The government stated that its adherence to nonrefoulement was "absolute" and that no one had been returned to a country where their lives or freedom would be endangered.

Temporary Protection.—The government provided temporary humanitarian protection to individuals who may not qualify as refugees and provided such protection to 67 persons in the first four months of the year and to 163 persons in 2010.

Stateless Persons.—Citizenship is based primarily on the citizenship of one's parents. However, U.N. conventions to which the country is a signatory require the granting of citizenship to otherwise stateless persons born in the country and certain persons born in the country to noncitizens may acquire citizenship on that basis. This is not an automatic process; generally, individuals must apply for citizenship before their 21st birthday.

According to UNHCR statistics, there were 3,216 stateless persons in the country at the end of 2010. Many of the stateless were born in Denmark to Palestinian permanent-resident parents who could not transmit citizenship in any state to their children. In February the Ministry of Refugee, Immigration, and Integration Affairs acknowledged that between 2004 and 2010, 460 stateless individuals were not notified of their eligibility for Danish citizenship. The ministry sent out letters informing the individuals that those who had not applied would be eligible to do so until March 31, 2011. Additionally, the ministry admitted that it had inappropriately rejected the citizenship applications of 36 persons of Palestinian origin; all 36 were subsequently granted Danish citizenship. Minister for Integration and Ecclesiastical Affairs Birthe Ronn Hornbech lost her job in the ministry acknowledged that it had inappropriately rejected the citizenship applications of 36 persons in March 2011 after it became clear that she knew about the problems as early as 2008.

There were no reports of discrimination, arbitrary detention, restrictions on movement, or other human rights abuses against stateless persons.

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

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

The territories of Greenland and the Faroe Islands have democratically elected home rule governments whose powers may encompass all matters except foreign and national security affairs, police services, and monetary matters. Greenlanders and Faroese have the same rights throughout the kingdom as other citizens. Each territory elects two representatives to the Danish parliament.

Elections and Political Participation.—Recent Elections.—Free and fair parliamentary elections took place on September 15. They gave a plurality to a left-of-center coalition led by the Social Democratic Party.

Participation of Women and Minorities.—Following the September 15 elections, there were 70 women in the 179-seat parliament, and nine in the 23-seat cabinet. Following municipal and regional elections in November 2009, 32 percent of the members of municipal councils and 35 percent of the members of regional councils were women.

Four citizens of other than Danish, Greenlandic, or Faroese origin were elected to the parliament in the 2011 elections. There was one member of an ethnic minority in the 23-seat cabinet. In the November 2009 municipal elections, 65 persons of non-Danish ethnic origin were elected to municipal councils.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption during the year.

Public officials are not subject to financial disclosure laws, but government officials may not work on specific cases in which they, or someone they represent or have close relations with, have a personal or economic interest. Officials must inform their superiors of any possible conflicts of interest that might disqualify them. The Ministry of Justice and the State Employer's Authority in the Ministry of Finance are responsible for combating government corruption.

The law provides for public access to government information, and the government granted access to citizens and noncitizens, including foreign media.

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

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

Government and Human Rights Bodies: A parliamentary ombudsman investigated complaints regarding national and local public authorities and any decisions they made regarding the treatment of citizens and their cases. The ombudsman could independently inspect, at his initiative, any facility within his authority, such as prisons, detention centers, and psychiatric hospitals. There was also a European ombudsman, who ensured compliance with EU basic rights, and a consumers ombudsman, who investigated complaints related to discriminatory marketing. These ombudsmen enjoyed the government's cooperation, operated without government or political interference, had adequate resources, and were considered effective.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced the law effectively. However, there were instances of violence against women, child abuse, and trafficking in persons.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, as well as domestic violence, female genital mutilation, and sexual harassment. Penalties include imprisonment for up to 12 years, depending on the seriousness of the offense. The government effectively prosecuted persons accused of such crimes. In 2010, authorities received 429 reports of rape. In the same period, they filed 291 cases and obtained 50 convictions and 17 acquittals.

Violence against women, including spousal abuse, remained a problem. The government and NGOs operated 24-hour hotlines, counseling centers, and shelters for female victims of violence. Requests for shelter declined by 5 percent during the year, and the number of available shelters increased by 3 percent.

Other Harmful Traditional Practices.—The government assisted NGOs working with immigrant groups to discourage traditional practices considered harmful to or discriminatory toward women.

Sexual Harassment.—The law prohibits sexual harassment and provides for monetary compensation for victims, paid by the perpetrator and/or the employer who allowed or failed to prevent the incident. The government effectively enforced the law. Few cases were reported during the year.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination,

coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Public Health. There were no restrictions on access to contraceptives, and the government provided free childbirth services. Women have unfettered access to maternal health services, including skilled attendance during childbirth. Women used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. Men and women had equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination.—Women have the same legal status as men, including under family law, property law, and in the judicial system. The law requires equal pay for equal work. The Ministry for Employment, however, found that men earned 17 to 21 percent more than women, partly due to a gender-fragmented labor market in which traditional female employment pays less than traditional male employment and where there are more men than women in executive positions. Even when adjusting for these factors, men earned approximately 4 percent more than women for the same work. The difference was higher in the public sector. Women held positions of authority throughout society; however, they were notably underrepresented in senior business positions and as university professors.

Children.—Birth Registration.—A child acquires citizenship primarily by virtue of having Danish-citizen parents. The law requires that all persons practicing medicine in the country promptly register the births of the children they deliver.

Child Abuse.—Police received 200 reports of sexual abuse of children in 2010, compared with 131 in 2009. In 2010, there were 186 indictments, 51 convictions, and eight acquittals. The national police and the public prosecutors actively investigated cases of child abuse.

Sexual Exploitation of Children.—The minimum age of consensual sexual activity is 15. The penalty for the commercial sexual exploitation of children is up to four years' imprisonment. The law prohibits child pornography, with penalties of up to two years. The country was a destination and transit country for trafficked children.

International Child Abduction.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish organization Mosaisk Troessamfund estimated the Jewish population at 8,000.

There were isolated anti-Semitic incidents. According to victims' reports, the perpetrators were mainly immigrants, many of them from Arab and other Muslim countries. Most incidents involved vandalism, such as graffiti, and nonviolent verbal assaults. In November 2010 the Security and Intelligence Service released its annual report on hate crimes, covering incidents in 2009. According to the report, authorities investigated 21 religiously motivated crimes in 2009, including the vandalizing of a sculpture outside a synagogue and other incidents of graffiti, harassment, vandalism, threats, assault, and propaganda (see section 6, National/Racial/Ethnic Minorities). There was no indication of how many of the incidents were examples of anti-Semitism versus those directed at other religious groups.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care or other state services, and other areas, and the government effectively enforced these provisions in practice. The law mandates access to buildings, education, information, and communications for persons with disabilities, and the government generally enforced these provisions in practice.

The parliamentary ombudsman monitored the equal treatment of persons with disabilities. Each year the ombudsman receives a significant number of complaints related to discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The Security and Intelligence Service reported 306 recorded hate crimes for 2009. According to the report, 74 of these were racially motivated, 64 were politically motivated, 21 were religiously motivated, and 17 were motivated by sexual orientation. Police assessed the remaining offenses also to be "motivated by extremism" (hate crimes) but with some doubt as to the specific motivation. The report included cases of such hostile actions as graffiti, vandalism, theft, and racist Internet and written messages, with 30 instances of violence and one of attempted murder. The government effectively investigated such crimes and prosecuted the perpetrators.

In April the Ministry of Refugees, Immigration, and Integration Affairs reversed its decision in the cases of 14 of 37 Roma it ordered expelled to Romania in 2010. The reversals apparently resulted from an appeal by the European Roma Rights

Center and came a few weeks after the Supreme Court ruled that two of the deportations were based on insufficient grounds for removal of EU residents.

Indigenous People.—The law protects the rights of the indigenous Inuit inhabitants of Greenland, whose legal system seeks to accommodate their customs, provides for the use of laypersons as judges, and sentences most prisoners to holding centers (rather than prisons), where they are encouraged to work, hunt, or fish during the day. Their civil, political, and economic rights are protected effectively throughout the kingdom, including the right to nondiscriminatory treatment in employment, education, housing, and other services.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There were no reports of official or societal discrimination. According to a report on homophobia published in 2009 by the Danish Institute for Human Rights, surveys showed that societal approval of homosexuality increased significantly in the preceding three decades. According to data reported by the Security and Intelligence Service, 19 of the 334 hate crimes recorded in the country in 2010 were "sexually oriented."

Other Societal Violence or Discrimination.—There were no reports of societal discrimination against persons with HIV/AIDS or against other groups not covered above.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law states that all workers may form or join independent unions of their choosing without previous authorization or excessive requirements. The law protects the right to collective bargaining. It allows unions to conduct their activities without interference and prohibits antiunion discrimination. Workers fired for union activities can take the employer to court and receive reinstatement or a cash settlement on a case-by-case basis.

These laws were enforced effectively and enforcement was not seriously hampered by lengthy delays and appeals. Freedom of association and the right to collective bargaining were respected in practice. Worker organizations were independent of the government and political parties. Annual collective bargaining agreements covered members of the workforce associated with unions and indirectly affected the wages and working conditions of nonunion employees. Authorities and employers respected the right to conduct union activities without interference.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, including by children, and the government effectively enforced this prohibition. The government released a new National Action Plan on Trafficking in Persons in June, covering the period from 2011 through 2014. It focuses on women trafficked for sexual exploitation but also provides for continued investigation of possible trafficking for forced labor in other sectors.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the exploitation of children in the workplace, and the government effectively enforced this prohibition in practice. There were no reported instances of unlawful child labor.

The minimum legal age for full-time employment is 15 years. The law sets a minimum age for part-time employment of 13 years and limits school-age children to less strenuous tasks. The law limits work hours and sets occupational health and safety restrictions for children, and the government effectively enforced these laws in practice.

d. Acceptable Conditions of Work.—The law does not mandate a national minimum wage; unions and employer associations negotiate minimum wages. The average minimum wage for all private and public sector collective bargaining agreements was 109 kroner (approximately $19) per hour, exclusive of pension benefits. Migrant workers are entitled to the same minimum wages and working conditions, and must adhere to the same employment regulations, as Danes.

Workers generally worked a 37.5-hour week, established by contract rather than by law. Workers received premium pay for overtime, and there was no compulsory overtime. Working hours were determined by collective bargaining agreements that adhered to the EU directive that an average workweek not exceed 48 hours. These agreements also guarantee workers at least five weeks' paid vacation per year.

The law prescribes conditions of work, including safety and health standards; authorities ensured compliance with labor legislation in practice. The same laws protect legal migrants and foreign workers.

The Danish Working Environment Authority (DWEA) effectively enforced labor health and safety in all sectors. The DWEA inspected 27,933 workplaces and issued 14,343 improvement notices in the first seven months of the year, compared to 42,984 such inspections and 42,984 notices in all of 2010. The DWEA has the authority to report violations to police or the courts if the employer fails to make required improvements by the deadline. Workers may remove themselves from hazardous situations without jeopardizing their employment, and authorities effectively enforced this right in practice. Greenland and the Faroe Islands have similar work conditions, except that there the standard workweek was established by collective bargaining at 40 hours. The DWEA recorded 40,123 workplace accidents from January 1 to November 14, of which 37 were fatalities.

ESTONIA

EXECUTIVE SUMMARY

Estonia is a multiparty, constitutional democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. The prime minister and cabinet generally represent the party or coalition of parties that have a majority of seats in parliament. Parliamentary elections held on March 6 were generally free and fair. Security forces reported to civilian authorities.

While there were no reports of widespread human rights abuses, there continued to be reports of trafficking, primarily of women for sexual exploitation and men and women for forced labor elsewhere in the EU. Conditions in some detention centers remained poor, and lengthy pretrial detention continued to be a problem. The country made only slow progress during the year in naturalizing its large population of stateless persons.

There were human rights problems in other areas. There were allegations that police used excessive force during the arrest of suspects. Societal problems included domestic violence and discrimination against women in the workplace.

The government took steps to punish officials who committed abuses, and there were no reports of impunity.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but there were reports that police used excessive physical force and verbal abuse during the arrest and questioning of some suspects. In 2010 authorities filed 20 criminal cases for excessive use of force against police officers, three against prison guards, and two against tax and customs officers. In 2010, three individuals were found guilty in county courts of excessive use of force.

Prison and Detention Center Conditions.—In the course of inspection visits to a number of institutions, the legal chancellor (the country's ombudsman) found a number of deficiencies in prison and detention center conditions, particularly in detention centers where detainees are kept for short periods. He observed deficiencies in the availability of medical care in several institutions. In one prison facility, he noted that the addition of a unit for elderly male prisoners resulted in insufficient hygienic facilities for female detainees. The continuing use of Soviet-era prisons for a large minority of prisoners remained a problem, although the government was in the process of phasing out these facilities. In these institutions recreational facilities were deficient, especially during winter months, and hygienic facilities were few and in poor condition.

On April 19, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its 2007 visit to the country. The report found that material conditions of detention in the facilities it visited, particularly the Kohtla-Jarve prison (since closed) and institutions in Rakvere, Tallinn, and, to a lesser extent, Narva, were "appalling." Inmates were being held in filthy and overcrowded cells that had little or no access to natural light, only dim artificial light, and poor ventilation. The CPT noted that the situation at the Kohtla-Jarve, Narva, Rakvere, and Tallinn detention facilities was further exacerbated by an impoverished regime under which inmates were confined to their cells 24 hours a day without being offered any out-of-cell activities for weeks or months on end.

At the end of 2010, the country's prisons held 3,393 persons, including 2,649 convicted prisoners and 744 pretrial detainees. Women made up 6 percent of prisoners.

There were 23 convicted prisoners and 20 pretrial detainees under the age of 18. As of the beginning of 2010, the number of inmates was slightly smaller than the official capacity of the system overall, but at least one institution was slightly overcrowded at the beginning of the year. The government made efforts to reduce the number of prisoners. In response to the CPT's report, the authorities stated they had significantly increased the rate of conditional release of certain prisoners.

On December 14, the Supreme Court acquitted the former acting director of the Murru Prison of all charges in a 2006 case involving the death of two inmates at the hands of other prisoners. On May 5, a district court had found him guilty of the nondisclosure of a criminal offense. In October 2010, a court had convicted the former warden as an accessory to murder in the same case and sentenced him to three years in prison.

Prisoners and detainees had access to potable water. There were no reports that prisons' recordkeeping was inadequate in 2010. The individual institutions do not have ombudsmen, but authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated all complaints and documented the results of their investigations in a publicly accessible manner. Prisoners and detainees had reasonable access to visitors and were permitted religious observance.

The government generally permitted monitoring in accordance with its standard modalities by independent nongovernmental observers, including human rights groups, the media, and relevant international bodies. Monitoring occurred during the year.

The government continued to improve conditions in prisons and detention centers. Several new facilities have been opened since the 2007 CPT report, and many of the facilities deemed inadequate have been closed, including the detention center in Kohtla-Jarve and the Viljandi Juvenile Prison. The Viru Prison and the Johvi detention center, both opened in 2008, significantly eased the overcrowding of detention centers. Since the receipt of the CPT's findings in 2007, the government has gradually improved the lighting, food preparation, and hygienic facilities in detention centers. Detained persons have access to daily newspapers and the right to use telephones at their own expense. In facilities where the technological resources exist, they may use the government's electronic legal database and register of court rulings.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police, the border guard board, the security police board, and the tax and customs board. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—By law authorities must in most cases possess warrants issued by a court to make arrests. They must inform detainees promptly of the grounds for their arrest. There is a functioning bail system. Authorities may hold individuals for 48 hours without charge; further detention requires a court order. Police rarely violated these requirements. Detainees are entitled to immediate access to legal counsel, and the government pays for legal counsel for indigent persons.

Pretrial Detention.—Lengthy pretrial detention was a problem. By law authorities may hold a person in pretrial detention for six months. In a particularly complex criminal case, the judge responsible for the preliminary investigation may extend the length of detention at the request of a chief public prosecutor. Approximately 23 percent of the incarcerated population was in pretrial detention; the average length of pretrial detention was seven months. The legal chancellor reported cases of insufficient access to legal documentation in prisons and detention centers and an inadequate number of telephones to contact family members.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—Defendants enjoy a presumption of innocence. Trials are public. Juries are not used. Cases may be heard by a single judge, a judge together with public assessors, or a committee of judges. Defendants have the right to be present and to consult with an attorney in a timely manner. In criminal proceedings an attorney is available to all defendants at public expense, although individuals often preferred to hire their own attorneys. In civil proceedings an attorney is provided for indigents. Defendants may confront or question witnesses against them and

present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. The law extends these rights to all residents, whether or not they are citizens. Defendants have the right of appeal.

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

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

Regional Human Rights Court Decisions.—The European Court of Human Rights (ECHR) delivered three judgments regarding Estonia during the year and found one instance in each of them in which the country had violated its obligations under the European Convention on Human Rights.

Civil Judicial Procedures and Remedies.—Individuals or organizations may seek civil remedies for human rights violations, and could appeal adverse judgments to the ECHR. The government complied with domestic and regional court decisions pertaining to human rights.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for this right, and the government generally respected it in practice.

Freedom of Association.—The constitution provides for this right for citizens, and the government generally respected it in practice. The law specifies that only citizens may join political parties, but noncitizens are free to join other civil groups.

c. Freedom of Religion.—See the Department' of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Protection of Refugees.—Access to Asylum.—The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In its 2010 annual report, the nongovernmental organization (NGO) Estonian Human Rights Center (EHRC) suggested that asylum seekers were poorly informed about their rights including the right to file for a stay of deportation while the initial rejections of their applications were being appealed. Government authorities indicated that all asylum seekers were provided access to legal aid at every stage of the asylum procedure.

Safe Country of Origin/Transit.—The government has a policy of denying asylum applicants from a "safe" country of origin or transit. The UNHCR has expressed concern about the government's policy of refusing entry and immediately sending away persons who have transited such a country, particularly about their right to appeal their denial from outside of the country.

Temporary Protection.—The government provided temporary protection to individuals who may not qualify as refugees and provided it to six individuals during the first 11 months of the year.

Stateless Persons.—Citizenship derives primarily from one's parents; it is conferred automatically if either parent is Estonian. Children born in the country after

1992, who are younger than 15, and whose parents are stateless residents who have lived in the country for five years, are eligible to acquire citizenship by naturalization at their parents' request.

As of August 1, according to government statistics, 98,915 persons, or 7 percent of the population, were of undetermined citizenship—de facto stateless. The UNHCR had reported that in January the number of stateless persons was 100,983. Nearly all were ethnic Russians, Ukrainians, Belarusians, or others who became stateless upon the demise of the Soviet Union. In 2010, according to the NGO Estonian Cooperation Assembly, 24 percent of the country's ethnic minorities were of undetermined citizenship, or stateless, 50 percent were citizens of Estonia, 23 percent were Russian citizens, and 3 percent declared themselves citizens of another state.

Nearly all stateless persons were long-term residents; they could vote in local, but not parliamentary, elections. There are statutory procedures that offer opportunities for obtaining citizenship, but some human rights observers regarded them as inadequate. In the case of newborn children, the legal chancellor recommended reversing the law in order to grant automatic citizenship to the children of legal residents but permit children to be stateless at the request of their parents. Individuals of undetermined citizenship were eligible to apply for naturalization, but must pass language and civics tests. In 2010, 54 percent of those taking the test at the level required to acquire citizenship passed. Authorities have adopted policies, such as funding civics and language courses and simplifying the naturalization process for persons with disabilities, to facilitate acquisition of citizenship by those stateless persons who wish it. Although many residents preferred Russian citizenship or statelessness to Estonian citizenship, some human rights observers continued to criticize the government's integration policies as too one sided. In its annual report for 2010, the EHRC noted that the continuing fall in the rate of naturalization was unlikely to be reversed unless the citizenship law was liberalized.

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

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

Elections and Political Participation.—Recent Elections.—On March 6, the country held parliamentary elections that were considered free and fair and led to the formation of a two-party coalition government, which took office on April 6.

Political Parties.—Political parties could operate without restriction or outside interference. Only citizens may be members of political parties.

Participation of Women and Minorities.—There were 20 women in the 101-seat parliament. The speaker and deputy speaker of the parliament were women. There was one female minister in the 13-member cabinet. The 24 percent of the country's non-Estonian population that were stateless could not participate in the election process at the national level. Noncitizens who are long-term residents may vote in local elections, but cannot vote in national elections or hold office. Citizens of the European Union who have established permanent residency may also vote in local elections, and those who are entered into the country's population register may vote in elections for Estonian representatives to the European Parliament. Ten members of ethnic minorities served in the 101-seat parliament.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively as demonstrated in the World Bank's broad-based corruption indicators. The government has effective mechanisms to investigate and punish abuse and corruption. There were several reports of government corruption during the year. One example was that of Kaimo Jarvik, the Tallinn Municipal Police Chief, who was convicted by the Harju County Court in April of accepting bribes from Bailiff Priit Lantin totalling 9,500 euros ($12,350) from January 2010 to January 2011 in return for being awarded a contract to collect delinquent fees. Lantin was fined 45,000 euros ($58,000) and Jarvik, as the result of a plea bargain, served two months of an 18-month sentence and was placed on three years' probation. Both men were also barred from holding public office for three years.

In 2010 authorities filed charges against individuals in 20 corruption cases related to ministries and county governments and 36 related to local municipal governments. Of the latter, 14 involved officials of local government, 10 involved heads of local governments, five involved members of local councils, and the rest involved private firms or individuals. Six corruption cases resulted in charges in Narva and five each in Tallinn and Rakvere.

Public officials are subject to financial disclosure laws. The Justice Ministry is responsible for coordinating anticorruption activities.

The law provides for public access to government information and allows for monitoring of the public sector's performance, and the government provided such access in practice to citizens and noncitizens, including foreign media.

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

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

Government Human Rights Bodies.—The legal chancellor, an independent official with a staff of over 40 persons, performs the role of human rights ombudsman. The legal chancellor reviews legislation for compliance with the constitution; oversees authorities' observance of fundamental rights and freedoms and the principles of good governance; and helps resolve accusations of discrimination based on gender, race, nationality (ethnic origin), color, language, religion, social status, age, disability, and sexual orientation. The legal chancellor also makes recommendations to ministries and local governments, requests responses, and has the authority to appeal to the Supreme Court. The legal chancellor compiles an annual report for parliament. Public trust in the office was high, and the government was responsive to the reports and decisions issued by the office.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced the prohibitions. Nevertheless, violence against women and child abuse were problems.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape; and physical abuse, including domestic violence.

The penalty for rape, including spousal rape, is up to 15 years' imprisonment. In 2010 police reported 81 rapes, representing 29 percent of all sexual crimes. Authorities prosecuted rape cases.

Violence against women, including domestic violence, was a problem. Physical abuse (the law does not differentiate by gender) is punishable by a fine or imprisonment of up to three years, up to five in instances of longstanding and unremitting violence. Police statistics for 2010 recorded 4,320 cases of physical abuse, including domestic violence and the physical abuse of minors. There were 61 cases of longstanding and unremitting violence. Domestic violence accounted for 28 percent of all physical abuse cases. Physical abuse formed 61.9 percent of all violent crimes in the country. Also in 2010, courts convicted 1,057 individuals of physical abuse and 40 of longstanding and unremitting violence. Victims of domestic violence may obtain help, including counseling and legal assistance, from social workers employed by local governments and from specialized NGOs.

Sexual Harassment.—The law prohibits sexual harassment, but some incidents of sexual harassment in the workplace occurred. According to the law, disputes over sexual harassment may be resolved in court, by an administrative hearing before the legal chancellor, or by the gender equality and equal treatment commissioner. An injured party may demand termination of the harmful activity and compensation for damages. In 2010 the gender equality and equal treatment commissioner received three complaints regarding sexual harassment, all from women. In 2009, 4.4 percent of women participating in a government survey stated they had experienced sexual harassment.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so. Health clinics and local health NGOs operated freely in disseminating information on family planning. There are no restrictions on access to contraceptives. The incidence of maternal mortality was low. Access to maternal health services, including skilled attendance during childbirth, prenatal care, essential obstetric care, and postpartum care was available free of charge. Women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination.—During the first six months of the year, the gender equality and equal treatment commissioner received 164 complaints and determined that six of them involved gender discrimination. In one such case, an employer refused to accept a woman for a position because she had a small child. Although women have the same rights as men under the law and are entitled to equal pay for equal work,

these rights were not always observed in practice. While the average educational level of women was higher than that of men, women's average pay continued to be generally lower, and there continued to be female- and male-dominated professions. According to the World Economic Forum's 2010 Global Gender Gap Report, Estonian women earned 65 percent of men's wages for the same work.

A gender equality and equal treatment commissioner, an independent expert, monitored compliance with the law requiring equal treatment. The Gender Equality Department of the Ministry of Social Affairs is responsible for coordinating the government's efforts to eliminate gender inequality, drafting legislation to this end and promoting gender equality.

Children.—Birth Registration.—Citizenship derives from one's parents. Either citizen parent may pass citizenship to a child regardless of the other parent's citizenship status. Children born to members of the country's large population of stateless persons were automatically stateless unless a long-term resident-parent applied to obtain citizenship for the child before the child reached the age of 15. Births were registered in a timely manner.

Child Abuse.—Child abuse continued to be a problem. In 2010, of the 61 cases in which individuals were convicted of sexual assault, 43 involved victims who were minors. The police and the Border Guard Board worked to combat child abuse, including sexual abuse. In 2010 police registered 27 cases of forcible rape of minors and 204 cases of sexual abuse of persons younger than 18, including 53 cases involving victims younger than 14.

On March 19, the legal chancellor assumed the responsibilities of children's ombudsman.

Sexual Exploitation of Children.—The minimum age for consensual sex is 14. The law prohibits child pornography, and punishment ranges from a fine to three years in prison. In 2010 authorities registered 76 cases of child pornography, which represented 41 percent of all sexual offences against minors.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community was estimated at approximately 2,500 persons.

On July 30, a ceremony was held in Sinimae to honor veterans of the 20th Estonian Waffen SS Grenadier Division from World War II. The annual event has been a source of continuing controversy due to the connection between non-Baltic Waffen SS units and Nazi war crimes. There were no reports of anti-Semitic statements or actions associated with the event. No national government officials participated in the ceremony, but military chaplains laid wreaths at monuments for the soldiers from both sides who died in the nearby battles. There were reports of concern about the increasing number of young people attending this event.

On July 8, a ceremony was held in a German military cemetery in Viljandi to mark the 70th anniversary of the June 1941 invasion by Germany, considered by the organizers as "liberation" from Soviet rule. Fewer than 20 people attended the ceremony, which involved no local or national government officials. One of the primary organizers had a long history of personal and professional disputes and had previously been ejected from the Estonian Defense League, a National Guard equivalent, and forced to resign from a major political party because of pro-Nazi sympathies.

During the summer the Estonian History Museum mounted a temporary exhibit on notable former residents of Tallinn. Nazi politician and ideologue Alfred Rosenberg was included in the exhibit. The local Jewish community and a senior member of parliament complained about the exhibit, stating that it lacked information about Rosenberg's role in the Holocaust. Further, the information on Rosenberg was placed among several laudatory exhibits, which provided a misleading context. A local high school where Rosenberg studied also included him in a display of notable alumni. Following these complaints, the Ministry of Culture ordered the museum to remove the part of the exhibit related to Rosenberg.

The government took a number of steps to associate itself with commemoration of the Holocaust and to encourage best practices in teaching about it in schools.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; few older buildings were accessible, although new or renovated buildings generally

were. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, and local governments are responsible for the provision of social welfare services to persons with disabilities. The government focused on developing rehabilitation services to improve the ability of persons with disabilities to cope independently and increase their social inclusion. The state compensates persons with disabilities requiring prosthetics and orthopedic or other technical aids for 50 to 90 percent of the cost of such devices.

National/Racial/Ethnic Minorities.—While there is no specific law prohibiting hate crimes, the law prohibits incitement to hatred, violence, or discrimination on a variety of grounds, including nationality, race, skin color, language, and social origin.

In August 2010 the U.N. Committee on the Elimination of Racial Discrimination criticized the country for not prohibiting racist organizations or making incitement of hatred on racial grounds a punishable offense (the law only limits the prosecution of hate speech leading to acts that result in serious consequences).

In May a Cameroonian Ph.D. candidate at the University of Tartu claimed he had to leave the country without completing his studies after he was attacked a second time because of his race. Police stated that their ability to pursue this case was hindered because the candidate did not report the attack in a timely manner.

The government provides for the protection of the cultures of certain minority groups, such as Ingrian Finns and Coastal Swedes, based on the cultural autonomy law. The government also funds programs, including cultural associations and societies, which focus on the languages and cultures of a number of other minority groups, including Russians, Ukrainians, and Belarusians. In districts where more than half of the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in that language, and the law was respected in practice.

Knowledge of Estonian is required to obtain citizenship, and all public servants and public sector employees, service personnel, medical professionals, and other workers who have contact with the public must possess a minimum competence in the language. A Language Inspectorate enforces language skills among these sectors through referrals to language classes and small fines. The government encouraged social integration of the 29 percent of the population that were ethnic minorities through a policy that promotes naturalization and learning Estonian.

Largely for historical reasons, Russian speakers worked disproportionately in blue-collar industries and continued to experience higher unemployment than ethnic Estonians.

Some noncitizen residents, particularly ethnic Russians, alleged that the language requirement resulted in job and salary discrimination. Many Russian speakers believed they would face job discrimination even if they possessed adequate Estonian. Some employers reported a preference for employees fluent in both Russian and Estonian, regardless of ethnicity.

More than 100 schools, 58 of them high schools, employed the Russian language for their instruction. The government continued to implement its plan to provide 60 percent of all instruction in "Russian-speaking" high schools in the Estonian language by the 2011-12 school year. Many have implemented this transition more rapidly than required. Some in the Russian-speaking community challenged the government's plans for Estonian-language education, and throughout the year negotiations between civil society groups, students and their parents, and the government continued.

During a June visit the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe expressed concern that the transition to partial Estonian-language instruction could affect the quality of education. He also criticized the use of fines and inspections to encourage the use of the Estonian language by certain categories of employees, to include teachers and government officials. Government officials rejected these concerns.

Roma, who numbered fewer than 1,000, reportedly faced discrimination in employment and other areas. The government took steps to emphasize the importance of education for Romani children, but their dropout rate remained high. In response to complaints that approximately 10 Romani children were inappropriately placed in schools for children with learning disabilities, a social worker contended that this was the only available mechanism to prepare the children for school. One leader of the Romani community publically criticized Romani parents for inadequate preparation of their children for school.

Fifteen students were registered officially as Roma by the school system, but the Ministry of Education and Research estimated that there were approximately 90 additional students of Romani ancestry who identified themselves as Estonian or Russian speakers. A prominent Romani community activist stated that Romani youth

who show potential to become leaders of their communities typically leave the country to seek employment opportunities elsewhere, a trend that is present among the wider population as well.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination on the basis of gender, sexual orientation, or other personal characteristics, and the government generally respected these prohibitions. Some activists expressed concern with what they described as the authorities' unwillingness to prosecute possible misdemeanors aggressively under the penal code provisions involving incitement to hatred. Most lesbian, gay, bisexual, and transgender (LGBT) persons did not reveal their sexual orientation or gender identity and avoided reporting incidents to police. Anti-LGBT messages did not generally appear in mainstream media reports, but anonymous online commentary on LGBT themes often included strongly hostile language, in some cases advocating violence against individuals and the LGBT community. In addition, in 2010 there were instances of performances in private clubs with anti-LGBT themes and recordings of music videos posted to social networking sites with lyrics and actions that encouraged violence against gays and lesbians. Organizers of the June Baltic Pride celebration, a joint undertaking of Estonian, Latvian, and Lithuanian participants, reported receiving some threats via the Internet, but the event proceeded without incident and with government support.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS. NGOs worked with the Ministry of Social Affairs throughout the year on programs to reduce the social stigma associated with the disease.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right of workers to form and join independent unions of their choice without previous authorization or excessive requirements. It gives most workers, excepting public servants at the state and municipal levels, the right to strike; there is a procedure enabling public servants to negotiate directly with their employers. The law provides for collective bargaining and collective dispute resolution. It allows unions to conduct their activities without interference and prohibits antiunion discrimination. Both employees and employers have the right to request that labor dispute committees or the courts resolve individual labor disputes. The law prohibits discrimination against any employee because of union membership, but it does not address the issue of reinstatement if an employee is dismissed for this reason.

Some workers found it difficult to exercise their trade union rights in practice. The Confederation of Estonian Trade Unions reported frequent violations of trade union rights in the private sector during the year and stated that antiunion behavior was widespread and labor inspectorates did not efficiently enforce the laws against such behavior. Some enterprises advised workers against forming trade unions, threatened them with dismissal or a reduction in wages if they did, or promised them benefits if they did not join unions. At times workers exercised the right to strike. Collective bargaining was freely practiced.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor and the government effectively enforced these laws.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age for employment at 18, with some exceptions. Children 15 to 17 years old may work with the consent of a parent or guardian and minors seven to 12 may do light work in the areas of culture, art, sports, or advertising with the consent of the Labor Inspectorate. Children under the age of 18 may not perform hazardous work. The law limits the hours that children may work and prohibits overtime or night work. The Labor Inspectorate was responsible for enforcing these laws. The government effectively enforced laws and policies to protect children from exploitation in the workplace. There were no separate inspections regarding the age of child workers.

d. Acceptable Conditions of Work.—In 2010 there was a national monthly minimum wage of 4,350 kroon ($372). It has remained the same for several years despite the rising cost of utilities, food, and other basic items.

The standard workweek is 40 hours. The law requires a rest period of at least 11 hours in sequence for every 24-hour period. Reduced working time is required for minors and for employees who perform work that is underground, poses a health hazard, or is of an otherwise special nature. The law requires overtime pay of not

less than 150 percent of the employee's hourly wage. These requirements were effectively enforced. There is no prohibition of excessive compulsory overtime.

The government set occupational health and safety standards. The labor inspectorate, health protection inspectorate, and technical inspectorate were responsible for enforcing them and made efforts to do so.

In 2010 there were 3,212 occupational accidents, a ratio of 563 occupational accidents per 100,000 employees.

FINLAND

EXECUTIVE SUMMARY

The Republic of Finland is a constitutional republic with a directly elected president and a unicameral parliament (Eduskunta). The prime minister heads a six-party coalition government. Parliamentary elections on April 17 were free and fair. Security forces reported to civilian authorities.

While serious abuses were rare, societal discrimination against ethnic minority residents was seen as the country's most significant human rights problem. Domestic abuse and other violence against women and children were also a chronic problem. Although the system for administering justice generally worked well, police at times failed to provide detainees timely access to legal counsel as required by law.

Other human rights problems during the year included instances of alleged bribery and abuse of trust involving elected officials, and allegations that local government officials used harsh methods to break up illegal Romani settlements in the country.

The government took steps to prosecute officials suspected of corruption, and there were no reports of impunity during the year.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted monitoring visits by independent human rights observers.

In 2010, the most recent period for which data was available, the daily average prison population including pretrial detainees and remand prisoners was 3,291, of whom 0.2 percent were juveniles under 18 years of age, 2.4 percent were under 21 years of age, and 7.0 percent were women.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. There were no such complaints during the year.

The annual report of the U.N. Committee against Torture expressed concern about overcrowding in some prisons and detention centers and the lack of appropriate sanitary facilities in 222 prison cells, where prisoners had only buckets for discharging human waste.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the military and the national police force, which are under the centralized control of the Ministry of Defense and the Ministry of the Interior, respectively. Police have responsibility in law and practice for law enforcement and maintenance of order within the country. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

Arrest Procedures and Treatment While in Detention.—The law requires police to have a warrant issued by a prosecutor to make an arrest. A warrant must be obtained within three days if an individual is arrested while committing a crime; arrested persons must receive a court hearing within three days of arrest. Authorities usually respected these rights in practice. Detainees must be promptly informed of

the charges against them, and lawyers must be provided for the indigent. In 2009, the last time the matter was investigated, the Council of Europe's Committee for the Prevention of Torture found that detainees' access to legal counsel was often significantly delayed. There were no reports that suspects were detained incommunicado or held under house arrest.

There is no system of bail, but most defendants awaiting trial were eligible for conditional release based on personal recognizance. There were no reports of preventive detention, which the law allows only in exceptional circumstances, such as during a declared state of war, or for narrowly defined offenses including treason, mutiny, and large-scale arms trafficking.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution and law provide for the right to a fair public trial, and an independent judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty. The law does not provide for trial by jury. Defendants have a right to consult an attorney in a timely manner before trial. Attorneys are to be provided at public expense if defendants face serious criminal charges that can result in imprisonment or significant fines. Defendants can confront and question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have a right of appeal.

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

Regional Human Rights Court Decisions.—The European Court for Human Rights (ECHR) issued five judgments against the state during the year, some of them involving multiple infractions. When a breach of the European Convention on Human Rights is found, the government's policy is to take action in the specific case in which the breach occurred and enact legislative and administrative changes to avoid a repeat of the infraction. The government paid monetary judgments awarded by the ECHR.

Civil Judicial Procedures and Remedies.—Individuals or organizations may seek civil remedies for human rights violations. They may appeal adverse decisions to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Censorship or Content Restrictions.—The publication of hate material and public speech intended to incite discrimination or violence against any national, racial, religious, or ethnic group are crimes. On December 13, an appeals court in Kouvola reversed a district court's acquittal of James Hirvisaari, a member of parliament from the populist Finns Party, and fined him 1,425 euros ($1,853) for "incitement to hatred" for posting his negative opinions on Muslim immigrants to his blog while serving on a municipal council. Hirvisaari may still appeal the decision to the Supreme Court.

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

Courts can fine persons found guilty of inciting racial hatred on the Internet, and during the year there were reports that courts fined individuals for publishing and distributing hate material via the Internet.

On November 11, police in Lieksa detained two young men suspected of fomenting ethnic hatred and six others for spreading ethnic hatred on Facebook. The investigation continued at year's end.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

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

The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit.—Following an ECHR judgment against Greece, on January 24 the Finnish Immigration Service stopped for the time being returning asylum seekers to Greece on the basis of the EU's Dublin II Regulation, which recognizes all EU countries as safe countries of origin and transit. The Regulation also authorizes the governments of EU member states to return asylum seekers to the countries where they first entered the EU. The service had earlier refused to return unaccompanied minors or applicants in a vulnerable position, such as families with children, to Greece because of the poor conditions for asylum seekers in that country.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugee Abuse.—The Ministry of Interior has appointed a special working group to consider detainee status in the country. The working group will focus especially on asylum seekers who arrive alone. Due to the lack of facilities, a number of asylum seekers were detained in unsuitable facilities, including police stations and prisons.

Employment.—The government granted all asylum applicants temporary residency while they awaited the decision on their applications. To discourage asylum seekers from destroying their identification documents, authorities allowed only those applicants who crossed the border with proper identification documentation to seek employment, education, healthcare, property ownership, and other services after three months. Otherwise, the government grants the right to work to asylum seekers without proper travel documents after they have submitted an asylum application and resided in the country for six months.

Access to Basic Services.—Refugees and asylum seekers generally have access to basic services. Legislation regarding asylum seekers that entered into force on September 1 adjusted which services the national government and local municipalities offer and finance.

Durable Solutions.—The parliament annually sets a quota for the number of refugees that may be admitted into the country. The government decides on the allocation of the quota. Since 2001 the annual quota has been 750 refugees.

Temporary Protection.—According to the most recent statistics available, between January and August 2010 the government provided temporary protection to 60 individuals who might not qualify as refugees.

Stateless Persons.—According to UNHCR, 3,125 stateless persons were living in the country at the end of 2010. A child may obtain citizenship from either the mother or father regardless of the place of birth and may also acquire citizenship if the child is born in Finland and would otherwise be stateless. Involuntarily stateless people and certain other special groups (such as refugees) have a shorter residency requirement than typical applicants before gaining citizenship, four years as opposed to six.

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

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

Elections and Political Participation.—Recent Elections.—Parliamentary elections held on April 17 were considered free and fair.

Participation of Women and Minorities.—As a result of the April elections, 86 women entered the 200-seat parliament and nine women took portfolios in the 19-member Council of State (cabinet). The president of the republic and the president of the Supreme Court were women. Four of the eight parties in parliament went into the election campaign under female leaders. Women were in the majority in two parliamentary groups: the Social Democratic Party (27 women and 15 men) and the Swedish People's Party (five women and four men).

There were 10 members of minority groups in parliament and two in the cabinet. Jani Toivola, a Kenyan-Finn from the Greens Party, became the first member of a racial minority to win a parliamentary seat as well as one of the few openly gay members of parliament. The autonomous region of the Aland Islands elects one representative to the national parliament and has its own parliament. The indigenous Sami minority enjoys semiautonomous status and has its own parliament as well as full representation as citizens in the national parliament; however, no Sami were members of the national parliament.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively.

The law requires parties, candidates, and candidates' supporters to report every donation of more than 800 euros ($1,040) in municipal elections or more than 1,500 euros ($1,950) in other elections. This reporting requirement also applies to other forms of electoral support, such as funding seminars or donating goods and services for political purposes. The National Audit Office, the country's supreme audit institution, is responsible for collecting the reports and maintaining a public register on the Internet.

During the year the National Bureau of Investigation continued investigating suspected instances of bribery and abuse of trust involving members of parliament from the Center and National Coalition parties. On September 29, member of parliament and former chairman of the board of the nongovernmental organization (NGO) Youth Foundation (a Center Party-led housing charity) Antti Kaikkonen, former chairman of the state-run Slot Machine Association Jukka Vihriala, and six members of the board of the Youth Foundation were charged with abuse of trust. On June 14, Ilkka Kanerva, a member of parliament from the National Coalition Party and former foreign minister, went on trial in the Helsinki District Court for bribery and malfeasance. He was charged with accepting more than 50,000 euros ($65,000) in bribes from four businessmen while serving on the Regional Council of Southwest Finland, a body whose powers include land use. The businessmen also were charged in the case.

By law income and asset information from all tax forms of all citizens, including public officials, must be made public each year. The Office of the Chancellor of Justice oversees government activities and prosecutes cases of possible corruption.

The law provides for public access to government information, with the exception of national security information and documents covered by privacy laws, and the government provided such access in practice.

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

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

Government Human Rights Bodies.—The parliamentary ombudsman enjoyed the government's cooperation, operated without government or party interference, and had adequate resources. The ombudsman investigates complaints that a public authority or an official has not observed the law or fulfilled a duty, or that fundamental human rights protections have not been appropriately implemented. In 2010, the most recent year for which data was available, 4,492 new matters were referred to the ombudsman, and the ombudsman issued a decision in 4,903 cases. The main targets of the complaints received were the social welfare authorities, law enforcement authorities, healthcare, and penitentiary officials.

The parliamentary Constitutional Law Committee analyzed proposed legislation for consistency with international human rights conventions. The parliamentary Legal Affairs Committee dealt with legislation relating to criminal and procedural law, the courts, and the prison system.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status, and the government effectively enforced these prohibitions. However, there were reports of violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and female genital mutilation, and the government enforced the law effectively. The maximum prison sentence for rape is six years but can be as much as 10 years in cases of aggravated rape. Between January and June, 438 cases of rape were reported to police. In 2010, 820 cases of rape were reported to police. The actual number of rapes reported to authorities during the year was higher and included cases reported to the Finnish Border Guards and Customs which were not counted in the cases reported to police. In 2010, the most recent period for which government figures were available, 135 persons were convicted of rape.

On June 1, legislation entered into force that defines coercion into a sexual act or intercourse, including with a defenseless person (i.e., intoxicated or disabled), as a crime as severe as rape. Sentences for such offenses are consistent with those for rape.

Through various public awareness campaigns police and other government officials actively encouraged victims to report rapes.

Violence against women, including spousal abuse, continued to be a problem. In 2003-2009, 264 women were killed the country. Of those, 16 were under the age of 15, five were between 15 and 17, and 243 were adults. The annual homicide rate for women averaged 1.4 deaths per 100,000 inhabitants compared with a rate of 3.4 deaths for men. The majority of female victims were killed at home (57 percent); in 67 percent of the cases the killer was a spouse or boyfriend.

Domestic abuse may be prosecuted under various criminal laws, including laws prohibiting rape, assault and battery, harassment, and disturbing the peace. The penalty for physical domestic violence ranges from a minimum of six months to a maximum of 10 years in prison.

The NGO Federation of Mother and Child Homes and Shelters stated domestic violence was a problem in all age and social groups regardless of level of education. Violent behavior within a family often remained unreported to police. A survey by the National Research Institute of Legal Policy released on March 7 found that 86 percent of victims who sought help from support services, such as safe houses, were women. The average age of female victims was 38 compared with 44 for men who sought help. A large portion of the requests for support services originated from major cities in southern Finland and in most cases were due to violence.

Police may refer potential perpetrators or victims of domestic violence to government social welfare agencies that have programs to reduce domestic violence. These programs promoted cooperation between cohabiting partners by providing support to victims and anger management counseling and other advisory services to perpetrators.

The government encouraged women to report domestic violence and abuse and provided counseling, shelters, and other support services to victims of domestic violence and rape. It also funded NGOs that provided additional services, including a telephone hotline and crisis center. According to regional and municipal officials who operated shelters, most women who sought shelter from violence were between the ages of 25 and 35 and married or in a cohabiting relationship; nearly one-fourth of those seeking shelter were reported to be immigrants, although shelter records often omitted victims' origins to protect them. Foreign-born residents who were not proficient in Finnish, Swedish, Sami, or English experienced some difficulty accessing domestic violence services. In September the government adopted a five-year national action plan for reducing violence against women. Amnesty International noted, however, that the government had not provided any additional state funding to implement the plan and expressed concern that the plan would not be resourced adequately.

Sexual Harassment.—Sexual harassment is prohibited by law, and the government generally enforced the law in practice. The prosecutor general is responsible for investigating sexual harassment cases. Employers who fail to protect employees from harassment are subject to fines or a maximum of six months' imprisonment. According to the Office of the Ombudsman for Minorities, one of the official bodies that track gender-related problems in the country, inappropriate treatment of women in the workplace remained a problem.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and have the infor-

mation and means to do so free from discrimination, coercion, and violence. Women have access to contraception and skilled attendants during childbirth, including obstetric and postpartum care.

Discrimination.—Women have the same rights as men under family and property laws and in the judicial system. The government maintained three entities devoted to gender equality problems: the ombudsman for equality, the Gender Equality Unit, and the Council for Equality.

The law stipulates that men and women must receive equal pay for equal work. However, allegations of wage discrimination against women continued. In 2010 the equality ombudsman's office received 385 complaints (49 percent of all cases) alleging discrimination and unequal treatment based on gender.

Women earned an average of 19 percent less than men for substantially similar work. According to Statistics Finland data from November 2010, the most recent information available, the average monthly wage for men was 3,343 euros ($4,346), compared to 2,739 euros ($3,561) for women. This disparity was attributed to the tendency of men to work in more senior or skilled positions than women, with the exception of the fields of medicine and education. Men tended to dominate the upper ranks in industry, finance, and some government ministries, while women remained overrepresented in lower-paying occupations. The pay gap between women and men narrowed slightly from 2009 to 2010, as women's earnings in the public sector rose faster than those of men. The law provides that individuals may receive compensation for lost wages in cases where gender-based discrimination is proven.

Children.—Birth Registration.—Citizenship generally is acquired at birth through one or both of the child's parents. A child can also acquire citizenship at birth if the child is born in the country and meets certain other criteria, such as if the parents have refugee status in the country or if the child is not eligible for any other country's citizenship. A local registration office records all births in the Population Information System.

Child Abuse.—Information on violence against children was not collected comprehensively. In 2008 a child victim survey by police indicated that children and young persons experienced violence more frequently than adults. Approximately 20 percent of boys and 15 percent of girls indicated they had experienced some form of assault or battery during the previous year. Adults were responsible for the violence against children in one in 10 cases. In general girls tended to experience violence at home, while boys were subjected to violence outside the home, usually by another boy. The government ombudsman for children's problems under the Ministry for Social Affairs and Health continued to work to raise public awareness of child abuse and promote the government's child, youth, and family policy program.

Sexual Exploitation of Children.—Between January and November, 1,175 cases of suspected child sexual abuse were reported to police. Police received 1,102 cases in 2010. On July 15, National Police Commissioner Mikko Paatero said he hoped the higher figures were at least partially attributable to better reporting rather than a spike in the number of crimes themselves. In contrast with the apparent year-on-year increase in sexual abuse, a study by the Department of Psychology of Abo Akademi University indicated that the rate of childhood sexual abuse might be declining. A survey of 18- to 23-year-olds found that 2.5 percent had experienced sexual abuse during childhood, while in older age groups the rate was between 3.7 percent and 5.1 percent.

As of June 1, the government stiffened the penal code for child sexual offenses and broadened the scope of punishable acts. For example, intercourse with a minor is considered an aggravated offense with penalties ranging from one to 10 years' imprisonment. The purchase of sexual services from minors now embraces so-called "grooming" (enticement of a child) including in a virtual environment or by mobile phones. The amendment also streamlined the provisions prohibiting the dissemination and possession of child pornography. All sexual crimes against children are subject to public prosecution, including if committed by the country's residents outside the country.

The country has laws against statutory rape; the age of sexual consent is 16. The minimum legal age for sex work is 18. A person whose age cannot be determined, but who can reasonably be assumed to be under the age of 18, is regarded as a child. Sexual abuse of a child carries a maximum sentence of four years' incarceration while aggravated sexual abuse of a child carries a maximum penalty of 10 years' imprisonment. Manufacturing, selling, renting, importing, or exporting sexually obscene pictures or recordings of children carries a maximum prison sentence of two years, and aggravated distribution of sexually obscene pictures of children has a minimum sentence of four months' and a maximum sentence of six years' imprisonment.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—According to Statistics Finland, the country's Jewish community numbered approximately 1,500. The largest Jewish community (in Helsinki) consisted of 1,150 members. There were no reports of anti-Semitic acts.

On May 25, the Finnish National Socialist Workers' Party, the country's Nazi party, failed to complete the registration process for associations. The National Board of Patents and Registration halted the process after asking for revisions of the party's application and additional information.

The Ministry of Education continued to integrate tolerance and anti-bias courses and material into the public-school curriculum. Students begin studying the Holocaust and the phenomenon of anti-Semitism in the eighth grade.

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

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The government effectively enforced these provisions.

Laws mandating access to buildings for persons with disabilities generally were enforced, although many older buildings remained inaccessible. Most forms of public transportation were accessible, but problems continued in some geographically isolated areas. The Ministry for Social Affairs and Health and the Ministry of Employment and the Economy are responsible for protecting the rights of persons with disabilities, and do so effectively.

Some 200,000 persons with disabilities live in the country. On August 24, the Finnish Broadcasting Company reported persons with physical disabilities were underrepresented in the labor market, even though many of them would like to work. A survey by the innovation fund Sitra and the VATES Foundation published on August 24 found that companies were interested in hiring persons with disabilities but, among other things, wanted more information about various financial aid available to them and prospective employees. According to the survey, one third of the group was able to work, and many members of the group sought regular part-time jobs.

National/Racial/Ethnic Minorities.—There was some societal tension between ethnic Finns and minority groups, and there were reports of racist or xenophobic incidents.

According to the media on August 4, the number of racist crimes recorded by police fell by approximately 17 percent in the beginning of the year compared with the same time in 2010. There were occasional reports of fighting between ethnic Finns and foreign-born youth of African and Middle Eastern descent as well as fighting between rival ethnic immigrant groups. The law does not have a specific category for "race-related crimes" or "hate crimes." However, racism as a motive or party to another motive to any other criminal act is a cause for aggravating the sentence.

On April 1, the Helsinki district court gave one person a 50-day suspended prison sentence for endangerment and fined three persons in connection with a mass brawl among youth of Kurdish, Somali, and Finnish extraction at Helsinki's Linnanmaki amusement park in 2010. The court ordered the defendants to pay 1,600 euros ($2,080) in compensation.

In April and May, Teuvo Hakkarainen, a member of parliament from the Finns Party, made a series of racially derogatory comments about blacks, Swedes, Somalis, Muslims, gay men, and lesbians. According to the press, police reported to the state prosecutor that there was no crime and if there was it was too small a matter to investigate. Hakkarainen later apologized.

Groups of Roma have lived in the country for centuries. According to the minority ombudsman, discrimination against the country's approximately 10,000 to 12,000 Roma extended to all areas of life, resulting in their effective exclusion from society. Roma are classified as a "traditional ethnic minority" in the ombudsman's report. The Romani minority was the most frequent target of racially motivated discrimination, followed by Russian speakers, Somalis, Turks, Iraqis, Sami, and Thais. Ethnic Finns were also occasionally victims of racially motivated crimes for associating with members of minority communities.

A new, significant influx of adult Romani beggars from Romania started in 2007 after Romania joined the EU, with an increase in Roma in Helsinki and other large cities. The number of beggars varied significantly over the year, ranging from approximately 200-300 during the summer months and only a few dozen during the winter.

A small number of illegal camps used by non-Finnish Roma were a controversial issue. The Helsinki rescue department stated that the sites suffered from safety deficiencies and were unfit for habitation. The city repeatedly offered temporary accommodation to the Roma, but many Roma either refused the initial offers or returned to the illegal camps after spending a short time in the shelters.

The Helsinki city council decided to break up non-Finnish Romani camps in Helsinki and enforced its decision with police. The minority ombudsman criticized the city council's decision as evidence of a hardening of attitudes towards foreigners and stated that, although the city has the right to decide where camps should be situated, breaking up existing camps did not solve the problem.

At the end of 2010 there were 54,500 Russian-speaking persons living in the country, principally in Helsinki and areas along the Russian border. They were by far the largest minority not speaking Finnish or Swedish, the country's two official languages. In April 2009, the latest date for which data was available, unemployment among immigrants from the former Soviet Union (excluding Estonia) was 31 percent, compared to 17.6 percent for all immigrants and 8.8 percent in the country overall. A 2010 report by the minority ombudsman identified the lack of Finnish-language ability, the lack of education or recognition of training, personal cultural differences, lack of employers' confidence in Russian speakers, discrimination, and the lack of local social networks as causes for this discrepancy. Russian-origin persons had the highest number of requests for assistance of any immigrant group and nearly double that of Somalis (the immigrant group with the second highest number of requests).

The government strongly encouraged tolerance and respect for minority groups and sought to address racial discrimination. All government ministries included antiracism provisions in their educational information, personnel policy, and training programs. The government also monitored the treatment of national, racial, and ethnic minorities by police, border guards, and teachers. The government's minority ombudsman monitored and assisted victims of discrimination. The ombudsman for minorities supervised compliance with the prohibition of ethnic discrimination.

In 2010, the latest data available, the ombudsman for minorities processed 848 client cases of discrimination. The Roma remained the largest ethnic group contacting the ombudsman for minorities. As in earlier years, the majority of Romani clients contacted the office about housing problems. The second-largest group to contact the ombudsman for minorities were Russian speakers.

Indigenous People.—The constitution provides for the protection of the Sami language and culture, and the government financially supported these protections. The Sami, who constitute less than 0.1 percent of the population, have full political and civil rights as citizens as well as a measure of autonomy in their civil and administrative affairs. A 21-member Sami parliament (Samediggi), popularly elected by the Sami, is responsible for the group's language, culture, and matters concerning their status as an indigenous people. The Sami parliament is an independent body but operates under the purview of the Interior Ministry. It can adopt legally binding resolutions, propose initiatives, and provide policy guidance. Despite constitutional protections, members of the Sami community continued to protest the lack of explicit legislation to safeguard Sami land, resources, and economic livelihood. The government owns 90 percent of the land in the Sami home region, much of it in the form of national parks. Sami have alleged for decades that the government used their land for logging and other purposes without consulting them.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—No person may be discriminated against on the basis of gender identity, sexual orientation, or other personal characteristics. The government generally respected these rights, and law enforcement authorities investigated and punished violations of these rights.

On May 10, the Helsinki district court gave suspended four-month sentences for assault, breach of political freedom, and possession of weapons to three young men who attacked the 2010 Helsinki Pride parade. The court included aggravating circumstances in its judgment, as the attack was targeted on sexual minorities and some of the victims were bystanders, including minors.

Other Societal Violence or Discrimination.—There were no reports of societal violence against persons with HIV/AIDS. However, authorities did not allow gay men to donate blood or organs for use in the country because of the perceived increased risk of hepatitis or HIV infection.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution provides for the freedom to form trade unions and join independent unions, to

conduct legal strikes, and to bargain collectively. The law prohibits antiunion discrimination, and there were no reports that such discrimination occurred during the year. Any restriction or obstruction of these rights is prohibited.

The law exempts from the right to strike public sector employees who provide essential services. An official dispute board can make nonbinding recommendations to the cabinet on ending or limiting the duration of strikes when national security is threatened. Employees prohibited from striking can use arbitration to provide for due process in the resolution of their concerns.

A strike is legal when an employment contract is not in effect and the action is pursuant to new contract negotiations. If a contract agreed by all parties is in effect, a strike is considered illegal. Fines may be imposed for illegal strikes.

The statute regulating work agreements extends these rights to both the employee and the employer.

Employers of nonunionized workers are required to compensate employees at a wage equal to that stipulated by existing collective bargaining agreements.

The regulation of the labor market is based on labor legislation and, primarily, on collective agreements. Any trade union and employers' association may make collective agreements. Nearly all collective agreements were branch-specific. The Ministry of Labor and the Economy decides on the universal validity of the agreement. The parties to collective agreements are trade unions and the central organizations of employers' associations. The role of the government has been, when needed, to support the conclusion of collective agreements by making the appropriate economic policy decisions, such as in cases involving taxes.

Extensive tripartite cooperation between the government, employers' groups, and trade unions characterized the country's labor market system. The Occupational Safety and Health Administration (OSHA) of the Ministry of Social Affairs and Health monitors unorganized employers' adherence to generally applicable collective agreements. The latest of these tripartite agreements was concluded in November. It covered approximately two million workers: 94 percent of wage earners in the private sector and 100 percent of the public sector.

Most unions have connections to the Social Democratic Party or the Left Alliance but are independent of them.

The national conciliator assists the negotiating partners in settling labor disputes if a collective agreement cannot be reached without outside help. The national conciliator can also assist central labor market organizations in drawing up comprehensive income policy agreements.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor; however, there were reports that such incidents occurred. Men and women were subjected to forced labor in the construction industry, restaurants, and domestic service.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law allows children over the age of 15 to enter a valid employment contract as long as work does not interrupt compulsory education. Such employment is restricted to no more than nine hours per day and 48 hours per week with mandatory minimum daily rest of 12 hours. Young workers may not work at night after 10:00 p.m. or under conditions that risk health and safety.

Children under the age of 15 may be employed for summer work, school-related events, modeling, and other similar purposes, but the approval of both their guardians and OSHA is required, and their working hours are limited in all cases. Employers are required to provide work insurance, social payments, and a letter of reference for all young workers. The law applies to work done by all persons under 18 years of age, whether in the private or public sector. In addition to employment relationships, the provisions of the act on occupational safety and health apply to the practical training of under-18-year-old pupils or practical work done at school.

The Ministry of Employment and the Economy enforces child labor regulations. There were no reports of children engaged in work outside the parameters established by law.

d. Acceptable Conditions of Work.—There is no national minimum wage law; however, the law requires all employers, including nonunionized employers, to pay minimum wages stipulated in collective bargaining agreements. The Ministry of Employment and the Economy is responsible for labor policy strategy and implementation, improving the viability of working life and its quality, and promoting employment.

The standard workweek established by law is eight hours per day with no more than 40 hours of work per week. According to Statistics Finland, the full-time work-

week averaged 37.8 hours for all workers in 2010, the most recent year for which data was available. Certain occupations, such as seamen, household workers, road-transport workers, and workers in bakeries, are subject to separate workweek regulations. Employees working shifts or during the weekend are entitled to one 24-hour rest period per week. Workers are entitled to time-and-a-half pay for the first hour of overtime work and double-time pay for time beyond the first hour. The law limits a worker to 250 hours of overtime per year and 138 overtime hours in any four-month period.

The government sets occupational health and safety standards, and the Ministry of Social Affairs and Health enforced them effectively. The ministry's OSHA monitors compliance with occupational safety and health legislation, including overseeing the employment terms for young workers. OSHA has the right to enter workplaces and to carry out health and safety inspections. It conducted 20,100 workplace field inspections in 2010, the latest available data. The administration informs employers of inspections in advance, unless a surprise inspection is necessary for enforcement purposes. A subsequent inspection report gives employers written advice on how to remedy minor defects. In the case of serious violations, the inspector issues an improvement notice and monitors the employer's compliance. When necessary OSHA may issue a binding decision and impose a fine. If a hazardous situation involves a risk to life, an inspector may halt work on the site or issue a prohibition notice concerning the source of risk.

Labor and occupational safety laws cover all employees in the country, regardless of their nationality. If an employer's response to an employee complaint is not satisfactory, unionized employees may forward the matter to the relevant trade union. Nonunion employees may contact OSHA for advice and guidance.

Between October 2009 and September 2010, the most recent period for which data was available, there were 96,146 workplace accidents which resulted in the loss of three or more days of work, a decrease of 2.3 percent from the previous year. The municipal sector (17,332 accidents) and construction (13,689 accidents) had the highest numbers of accidents. Workplace accidents led to 26 deaths.

FRANCE [1]

EXECUTIVE SUMMARY

France is a multiparty constitutional democracy. The president of the republic is elected by popular vote for a five-year term. Nicolas Sarkozy is the incumbent. The upper house (Senate) of the bicameral parliament is elected indirectly through an electoral college, while the lower house (National Assembly) is elected directly. Elections for seats in the National Assembly and for the presidency in 2007 and for seats in the Senate in 2011 were considered free and fair. The Union for a Popular Movement (UMP) is the majority party in parliament. Security forces reported to civilian authorities.

The most significant human rights problem during the year involved government evictions and compulsory repatriations of illegal immigrants from Romania and Bulgaria, many of whom were Roma. Several attacks against Roma were also reported. Overcrowded and unhygienic conditions in prisons were compounded by problems in the judicial system, including lengthy pretrial detention and protracted investigation and trials. French Muslims and others of immigrant origin faced some discrimination, particularly, in the case of Muslims, as a result of a prohibition against face-covering attire in public institutions.

Other human rights problems reported during the year included antidefamation laws that limited freedom of speech and press, societal violence against women, anti-Semitic incidents, and trafficking in persons.

The government took steps to prosecute and punish security force and other officials who committed abuses. Impunity was not widespread.

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[1] Note: The country includes 11 overseas administrative divisions that are covered in this report. Four overseas territories in French Guiana, Guadeloupe, Martinique, and Reunion, have the same political status as the 22 metropolitan regions and 101 departments on the mainland. Five divisions are overseas "collectivities": French Polynesia, Saint-Barthelemy, Saint-Martin, Saint-Pierre and Miquelon, and Wallis and Futuna. New Caledonia is a special overseas collectivity with a unique, semiautonomous status between an independent country and an overseas department. Mayotte became the 101st department on March 31, 2011. Citizens of these territories periodically elect deputies and senators to represent them in parliament, like the other overseas regions and departments.

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

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

Killings in Corsica were predominantly linked to organized crime and Corsican nationalism. As of December 5, there were 22 killings reported for the year, 15 of which were linked to organized crime. In 2010 authorities reported 81 bombings or attempted bombings as well as 16 killings and 14 attempted killings in Corsica.

On November 30, Amnesty International (AI) wrote the minister of justice regarding the cases of five men—one French citizen of Senegalese origin and four foreign nationals of Mali, Tunisia, Algeria, and Morocco—who died in police custody between 2004 and 2009. The letter expressed the need for a prompt and independent investigation without further delay and AI's concern that there had been little or no progress to fully investigate the cases and that the law enforcement officers involved in the cases had not been subject to investigation or charge.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices. However, there were occasional accusations of police discrimination and degrading treatment.

During the year there were occasional reports that police used excessive violence during counterdemonstration operations. In May 2010 police fired a flash ball close to a crowd during a violent demonstration in Neuilly-sur-Marne, causing a protester to feel dizzy for several days. In May the National Commission on Security Ethics (CNDS) ruled that the use of the flash ball was disproportionate and recommended the officer involved be prosecuted.

On February 3, the inspector general of the gendarmerie (IGG) opened an investigation after a gendarme threw a gas grenade at peaceful demonstrators in Anduze on January 21. The gendarme involved was transferred to Marseille in July. The IGG and the Nimes prosecutor were investigating the incident.

Prison and Detention Center Conditions.—Both credible nongovernmental organizations (NGOs) and government officials reported overcrowding and unacceptable hygienic conditions in prisons. In December the Ministry of Justice and Liberties reported that 65,262 persons, including 2,200 women and 750 juveniles, were incarcerated in the country's 189 prisons, exceeding prison capacity by 8,007 inmates.

In a report published on December 8, covering the period 2005-11, the International Observatory for Prisons (OIP) strongly criticized overcrowding, limited access to health care, and lack of human contact in the country's prisons. According to the study, there were 60,761 prisoners in December 2011 but enough space for 56,358. The document also stated that the prevalence of tuberculosis was 10 times higher in prison than outside and that prisons did not have the capacity to care for the 20 percent of the prison population that suffered from mental disorders.

In its 2010 annual report published on May 3, the controller general for detention facilities criticized the violation of basic rights in prisons, including failure to provide decent living conditions to prisoners. According to the report, such violations "too often go unreported." There were no reports of prisoners lacking access to potable water.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides continued to be a problem. According to the OIP, 97 inmates committed suicide from January 1 to October 31, an increase of 8 percent compared with the same period in 2010. The OIP reported that, from 2003 to 2010, there was an average of one prison suicide every three days, a number five to six times larger than suicide rates outside prison. There were no reports of deaths in prison during the year other than by suicide or from natural causes.

Authorities maintained administrative holding centers for foreigners whom they could not immediately deport. There were 24 holding centers on the mainland and three in the overseas territories.

On December 14, a cooperative of five NGOs published a report titled 2010 Report on Detention Centers. According to the report, in 2010 more than 60,000 persons passed through detention centers in France or one of its overseas territories, an 80 percent increase from 2005. The number of families and children in these centers also increased from 57 families with 318 children in 2009 to 178 families with 356 children in 2010. The group criticized the constant tension and violence among inmates, which allegedly resulted from the centers' inability to ensure equal rights.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions and documented the results in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

The inspector general for places of detention, an independent authority, is responsible for ensuring that detainees' fundamental rights are respected. In addition detainees may address issues about the prison or justice system to the state mediator or his delegate, who are part of the office of the defender of rights, the equivalent of an official ombudsman on civil liberties.

To reduce overcrowding, the government opened four new prisons since 2007 with a total of 6,000 additional places. It increased the prison system budget by 10 percent, to 2.1 billion euros ($2.7 billion), in 2010. As of November 1, 7,886 prisoners were under electronic surveillance, a 31.5 percent increase over 2010. Those under electronic surveillance were still considered prisoners because they remained under surveillance in their homes. New prisons had gymnasiums, outdoor recreation areas, and family spaces, and the Ministry of Justice and Liberties continued to increase prisoner access to work, sports, libraries, worship, cultural services, education, and training programs during the year.

The government permitted prison visits by independent human rights observers, local and foreign. The U.N. Committee against Torture (CAT) examines the country's prisons every four years, most recently in April 2010. The Council of Europe's Committee for the Prevention of Torture (CPT) also conducted an inspection of prisons in 2010. In July the CPT gave a report on the visit to the French government, which postponed its publication until 2012.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. However, lengthy pretrial detention was a problem. The government handed down 79 decisions in wrongful incarceration trials in 2010 and provided 370,000 euros ($481,000) in financial compensation to those found to have been wrongfully incarcerated.

Role of the Police and Security Apparatus.—Under the direction of the Ministry of the Interior, Overseas France, Local Authorities, and Immigration, a civilian national police force of 144,000 and a quasi-military national gendarmes force of more than 97,000 maintained internal security. In conjunction with specific gendarmes units used for military operations, the army is responsible for external security under the Ministry of Defense. Police and gendarmes were generally considered effective. During the year approximately 60 "neighborhood police" units worked to curb juvenile delinquency and petty crime in neighborhoods with high levels of youth crime.

Official impunity was not widespread. The inspector general of National Police (IGPN), the inspector general of police services for the Paris region (IGS), and the Office of Judicial Police investigated and prosecuted allegations of brutality in the police force and the gendarmes. The CNDS investigated allegations of misconduct by municipal police, gendarmes, and private security forces and reported its findings to the prime minister and parliament. According to the 2010 CNDS report, the most recent year for which data was available, 195 complaints were filed in 2010, a 14 percent decrease from the 228 complaints in 2009.

The CNDS investigated allegations of improper conduct by law enforcement officers and helped ensure that persons responsible for law enforcement comply with ethical standards. While individuals who allege police mistreatment do not have direct access to the CNDS, their complaints may be referred to the CNDS through a member of parliament or other intermediary. On May 1, the CNDS merged with the office of the defender of rights.

In its annual global report released on May 13, Amnesty International criticized new cases of police violence and the slow speed of police investigations in the country.

Arrest Procedures and Treatment While in Detention.—The law requires police to obtain warrants based on sufficient evidence prior to detaining suspects, but police can immediately arrest suspects caught in the act. Individuals have the right to a judicial ruling on the legality of their detention during the first hour, and authorities generally respected this right in practice. Authorities must inform detainees of charges against them once they are in police custody. A system of bail exists and was utilized. Detainees generally had access to a lawyer, and the state provides legal counsel if the detainee is indigent.

Amnesty International criticized the country's practice of allowing multiple, successive periods of detention during the investigation of an alleged crime and accused authorities of not adequately investigating detainee complaints. The law allows police to detain persons for up to 24 hours if they are suspected of having committed a crime that is punishable by a prison sentence. This period of detention can be extended for an additional 24 hours regardless of the seriousness of the crime.

On April 12, in response to a 2010 ruling by the European Court of Human Rights (ECHR), parliament passed legislation reforming the country's police custody procedures. Implemented on April 14, the new law provides that persons taken into police custody must be informed of their right to remain silent and their right to have a lawyer present during questioning. Defense lawyers can ask questions throughout the interrogation. If a medical exam is required, it must respect professional confidentiality. Complete strip searches are forbidden except in cases where the accused is suspected of hiding dangerous items or drugs.

According to Ministry of Justice official statistics, more than 800,000 persons were taken into custody in 2010. Following the adoption of reform legislation, this number dropped 26 percent in June-July 2011 compared with the same period in 2010.

On May 6, a Nimes appeals court terminated a police custody order and released an undocumented Chechen immigrant. The ruling was in compliance with an April 28 decision by the European Court of Justice, which held that undocumented migrants could not be detained under the 2008 EU directive on the return of illegal immigrants.

In cases involving terrorism or drug trafficking, the law allows extended periods of detention before notification to counsel. In such cases authorities may hold suspects for up to 96 hours without charge or access to a lawyer and may petition a judge to extend detention by an additional 48 hours. Suspects must be either charged or released after a maximum of six days.

Pretrial Detention.—Long delays in bringing cases to trial and lengthy pretrial detention were problems. Although pretrial detention was generally allowed only if the suspect could be sentenced to more than three years in prison, a few suspects spent many years in detention before trial. According to government statistics for 2007, the most recent available, the average length of pretrial detention was 5.7 months, an increase of 10 percent since 2001.

In September the Paris Magistrates Court (Tribunal de Grande Instance) ordered the state to compensate Cedric B. 8,000 euros ($10,400) for being held 11 years in prison before being tried for armed robbery.

In December 2010 the Paris Criminal Court sentenced two members of the terrorist organization Basque Fatherland and Liberty (ETA), Mikel Antza and Soledad Iparragirre Genetxea, to 20 years in prison after they had been held over six years.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice. However, delays in bringing cases to trial were a problem.

The Tribunal of the Armies is a military court for acts committed outside the country. The court tries only military personnel. In July 2010 parliament closed the tribunal, effective January 1, 2011. The Paris Magistrates Court assumed responsibility for cases formerly handled by the tribunal.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Except for those involving minors, trials are public and usually held before a judge or tribunal of judges. In cases where the potential punishment exceeds 10 years' imprisonment, a panel of professional and lay judges hears the case. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if needed when defendants face serious criminal charges. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their defense. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have a right to appeal.

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

Regional Human Rights Court Decisions.—During the year the European Court for Human Rights (ECHR) issued 23 judgments that found at least one violation by the state of the European Convention on Human Rights. The government generally complied with ECHR decisions.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters and access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. Individuals can file complaints with the ECHR for alleged violations of the European Convention on Human Rights by the state once they have exhausted avenues for appeal through the domestic courts.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

On October 18, the head of the counterintelligence services was put under investigation for possession of private correspondence, illicit collection of data, and possession of confidential documents (see section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech.—While individuals could criticize the government publicly or privately without reprisal, there were some limitations of freedom of speech. Strict antidefamation laws prohibit racially or religiously motivated verbal and physical abuse. Written or oral speech that incites racial or ethnic hatred as well as denial of the Holocaust and crimes against humanity are illegal. Authorities may deport a noncitizen for publicly using "hate speech" or constituting a threat of terrorism.

Freedom of Press.—While the independent media were active and generally expressed a wide variety of views without restriction, the media were subject to the same antidefamation laws that limited freedom of speech.

In October 2010 the NGO SOS Racism filed a lawsuit against perfumer Jean-Paul Guerlain following an October 15 national television interview during which he used a racial epithet for ethnic Africans. The trial's verdict was due in March 2012.

In December 2010 the Fort-de-France Criminal Court on Martinique convicted businessman Alain Huygues-Despointes for praising crimes against humanity. The conviction stemmed from a 2009 television interview in which Huygues-Despointes stated there were "positive aspects" of slavery and criticized mixed-race marriages because he wanted to "preserve" his race. The judge ordered him to pay a 7,500 euro ($9,750) fine. The Fort-de-France criminal court subsequently rejected Huygues-Despointes's appeal and ordered him ordered to pay a 20,000 euro ($26,000) fine as well as pay for the full-page publication of the judgment against him in the local newspapers. Huygues-Despointes filed an appeal with the court of cassation; a court date had not been set by year's end.

In January 2010 parliament passed a law that provides additional protections to journalists and limits the instances where the government can compel them to reveal their sources. By law journalists can be compelled to reveal sources only in cases where serious crimes have taken place and access to the sources is required to complete the investigation.

In September 2010 the newspaper Le Monde filed a lawsuit allegedly targeting the President's Office, alleging that it violated the law providing for the secrecy of journalistic sources. It accused the President's Office of ordering the counterintelligence services to find the source of a leak in the investigation of a government corruption scandal. The head of the National Police subsequently admitted that the counterintelligence services investigated this subject to identify a former member of the former minister of justice's staff who had leaked the information. On October 18, the head of the counterintelligence services was put under investigation for possession of private correspondence, illicit collection of data, and possession of confidential documents. His trial was not expected to take place for several years. On October 28, the judge ruled that no charges would be filed against the head of the National Police.

Internet Freedom.—There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. There were no reports that the government attempted to collect the personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinions or beliefs.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

The law requires persons engaged in itinerant activities with a fixed domicile to sign a declaration that must be renewed periodically. Itinerant persons without a fixed abode must possess travel documents that must be renewed every three months and must choose a city of residence for administrative purposes.

During the year the government dismantled unauthorized Roma camps across the country and compulsorily repatriated those who were living illegally in the country. The law prohibits the collection of statistics on the basis of ethnic and religious origin, but the government tabulates the number of Romanian and Bulgarian citizens (who comprised the bulk of the Romani migrants) in the country. According to EU and French regulations, Romanian and Bulgarian citizens may remain in the country for a maximum of three months unless they are employed or enrolled in school.

According to a Ministry of Interior study, authorities compulsorily repatriated 4,714 Romanian and Bulgarian nationals in the first three months of 2011 and dismantled 70 percent of the illegal camps identified by the government since July 2010. The NGO European Roma Rights Center reported that between April and October 2011, it registered 46 evictions that affected a total of 5,753 persons. In Marseille several camp evictions affecting hundreds of Roma took place between June and September, according to Medecins du Monde and media reports. On September 4, Amnesty International expressed its concern following the eviction of approximately 150-200 Roma from a camp in Saint-Denis on September 1, during which Roma were escorted by police on a RATP tram to Noisy-le-Sec, where they were reportedly forced to board a suburban commuter train. Politicians, RATP unions, and NGOs also voiced concern over the incident. On September 29, Human Rights Watch (HRW) reported that since mid-September, hundreds of Roma were evicted from illegal settlements in Lyon. HRW reported that "in one case, the police told a group of 80 to 100 Roma, including many children, who had been seeking new shelter for two days and nights following an eviction, to go to another informal camp."

According to law, for an eviction of a Roma camp, or any residence, to occur, a town's mayor must file a request to the administrative court, which then rules on the legality of the camp. If the camp is found to be illegal, residents are given between three and 30 days' advance notice that they must abandon the premises. If they do not do so, the mayor or prefect may authorize an eviction of the camp.

According to the Minister of Interior, policies to combat illegal immigration became more effective after the passage of a new immigration law on June 16. During the year the government compulsorily repatriated 32,922 migrants who were in the country illegally, according to Interior Ministry statistics. There were no statistics available on the total number of Romanian and Bulgarian citizens compulsorily repatriated in during the year; however, the NGO Hors la Rue estimated that Roma comprised approximately 30 percent of compulsory repatriations each year. NGOs also report that some Roma were compulsorily repatriated multiple times during the same year. According to official statistics, 9,761 Romanian and Bulgarian citizens were repatriated in 2010, a 21 percent decrease from 2009.

On September 12, Interior Minister Claude Gueant announced measures to address illegal Romanian immigration, including forced deportations of minors to their country of origin, increased surveillance at points of entry, and laws prohibiting panhandling in heavily trafficked tourist areas in Paris. The measures also include close cooperation between French and Romanian police and judicial authorities. During the year 40 police officers from Romania were sent to Paris to help dismantle criminal networks. The measure was successful, resulting in the breakup of a large Romanian-based prostitution network and the detention of 15 persons in November.

The government also offered foreign Roma living illegally in the country voluntary repatriation. It provided each person who accepted voluntary repatriation with an airplane ticket and 300 euros ($420) per adult and 100 euros ($130) per child. Those who did not accept voluntary repatriation were processed for deportation. While immigration judges approved most deportation orders, they refused some. NGOs reported that many Roma who accepted voluntary repatriation had returned to France by the end of the year.

On November 9, the Council of Europe issued an experts' report stating that the 2010 deportation of more than 1,000 Roma of Romanian and Bulgarian origin was "based on discriminatory provisions that directly targeted Roma individuals and their families." It stated that the voluntary returns were "disguised forms of forced collective expulsions." The report also noted that the demolition of hundreds of illegal Roma camps was "discriminatory" and "contrary to human dignity" constituting an "aggravated violation of human rights."

On June 16, parliament passed a law toughening the country's immigration and nationality regime. The law contains provisions that allow foreigners seeking medical treatment in France to be eligible for a residence permit only if the treatment is not available in their country of origin; provide for punishment of fraudulent marriages for immigration purposes by up to five years' imprisonment and a 15,000 euro ($19,500) fine; provide for the deportation of EU citizens who abuse the right to remain in the country for more than three months without a visa by repeatedly leaving and returning to the country or who are imposing an undue cost on public services; provide for the deportation of persons who pose a threat to public order by committing theft or aggressively begging; implement new administrative measures to facilitate the deportation process; and require foreigners applying for citizenship to sign a "charter of rights and obligations of citizenship."

In July HRW sent a letter to the EU Commission voicing concern that the country's new immigration bill weakens the rights of asylum seekers and migrants. It also stated that the law does not comply with the country's obligations under EU freedom of movement rules and international human rights law. According to HRW, amendments to the law give the government wider authority to expel EU citizens for "abuse of rights," such as exploitation of begging or "abusive" occupation of land, and for repeat short-term stays. Contrary to government claims, HRW asserted that since June Roma had been ordered to leave the country "for the simple reason that they had been in France before," "even though their current stay was under three months and permitted under EU law."

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The system for granting refugee status was active and accessible. Although asylum application forms submitted to the Office for the Protection of Refugees and Stateless Refugees (OFPRA) must be completed in French, application instructions were available in English, Albanian, Russian, Serbo-Croatian, Turkish, Tamil, and Arabic.

Safe Country of Origin/Transit.—The government considers 20 countries to be "safe countries of origin" for purposes of asylum. While individuals originating from one of these safe countries of origin may apply for asylum, they can only receive a different form of temporary residence status allowing them to remain in the country.

Nonrefoulment.—In practice the government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion. Authorities take into account the ability of the state concerned to offer protection to the person in danger from persecution by nonstate agents. However, human rights groups regularly criticized the government's deportation practices, pointing out that the government was deporting illegal Afghan immigrants back to a war-torn country.

During the year La Cimade, a French NGO that offers legal advice to immigrants, criticized the increase in deportations, claiming that they were taking place without respecting the typical grace period during which individuals may appeal their deportation.

Refugee Abuse.—On August 21, a local judge ruled that the detention of a Roma family in Lille was illegal because of "inhumane and degrading treatment" at the center where they were held. The father, mother (who was four-months pregnant at the time), and their three children were released from the detention center, but the deportation order against them remained in place.

Temporary Protection.—The government also provided temporary protection to individuals who may not qualify as refugees but who may be exposed to certain seri-

ous risks if they returned to their country of origin. The government granted temporary protection to 10,340 persons in 2010, according to OFPRA. Individuals may renew their status for a period of one year.

Stateless Persons.—Citizenship is derived both from one's parents and from one's place of birth. A child born in the country to foreign parents may acquire citizenship at birth if stateless.

According to OFPRA and UNHCR statistics, there were 1,131 stateless persons in the country at the end of 2010. Stateless persons receive benefits from OFPRA, which is charged with the implementation of international conventions on refugees and stateless persons. A person declared "stateless" by the government is provided a three- or 10-year residence permit marked "private and family life" and allowed to work.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Political parties generally operated without restriction or outside interference.

Travellers (an itinerant group of individuals) without fixed abodes were permitted to vote in municipal elections only after a three-year period of "attachment" to a municipality. Traveller groups asserted that this requirement, which is based on special legislation applying only to itinerant groups, was discriminatory, since other French and EU citizens, including homeless persons, were able to vote after a six-month attachment period.

Elections and Political Participation.—Recent Elections.—The 2007 national parliamentary and presidential elections were deemed free and fair. In March 2010 the country held regional elections that independent observers considered free and fair. Cantonal elections took place in March 2011 and were free and fair.

Participation of Women and Minorities.—As a result of the September 25 senatorial elections, there were 185 women in the two chambers of the 925-seat parliament, 108 in the National Assembly and 77 in the Senate. There were nine female ministers in the 34-member ministerial cabinet. Women made up 48 percent of regional council members, 13.8 percent of departmental council members, and 34.8 percent of municipal council members. They held two presidencies of the 22 regional councils, four presidencies of the 101 departmental councils, and 14 percent of mayoral positions. The law requires political parties to present candidate lists containing equal numbers of male and female candidates or face fines.

Because the law prohibits the government from collecting information on the racial or ethnic background of residents of the country, no statistics on minority participation in government were available. With the exception of parliamentary representatives from some of the overseas territories where the populations were predominantly of non-European origin, minorities appeared to be significantly underrepresented in the government. At year's end there was only one black member of the National Assembly. As of year's end, President Sarkozy had appointed six female minority officials to his cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were some reports of government corruption during the year.

In August 2010 the governing UMP party and Paris mayor Bertrand Delanoe reached a settlement in the Paris Magistrates Court for alleged corruption that took place from 1977 to 1995 under the mayoral administration of former president Jacques Chirac. According to media reports, the UMP paid the city 550,000 euros ($715,000) in exchange for the city's withdrawing its civil complaint. An anticorruption NGO (Anticor) continued to pursue the two separate, but related, charges despite the deal with Paris City Hall. The trial of the former president, as well as nine other defendants, opened on September 5. Due to a medical condition, Chirac was not present at the trial. On September 20, a Paris prosecutor asked that former president Chirac and nine others be acquitted on all charges. On December 15, the court ruled that Chirac was guilty of corruption and gave him a two-year suspended sentence.

On August 4, a judicial panel of the French Court of Justice, which investigates allegations of misconduct against public officials, opened an investigation of Christine Lagarde, managing director of the International Monetary Fund. Charges against Lagarde centered on her alleged "abuse of authority" when, in 2007, she intervened and ordered a special panel of judges to arbitrate a legal dispute begun

in 1993 by Bernard Tapie over the sale of the Adidas company by Credit Lyonnais. In 2008 the parties came to an out-of-court settlement of 285 million euros ($371 million). The accusations against Lagarde included "complicity in falsification" and "complicity in the misappropriation of public goods," potentially punishable by a 10-year prison sentence and a fine of 150,000 euros ($195,000). The investigation continued at year's end.

The IGS, IGPN, and Inspectorate of the National Gendarmerie actively investigated and prosecuted allegations of police and gendarme corruption. In 2010 the IGS reported that it conducted 1,200 judicial and administrative investigations that led to 3,000 proposals for sanctions. The IGPN conducted 300 investigations in 2010 that led to 250 proposals of sanctions. However, AI accused the government of failing to punish properly all cases of police misconduct and corruption.

On May 26, the criminal court of Bobigny sentenced three members of the state security police to 18 months in jail and a one-year suspended prison sentence for extorting money from three taxi drivers in 2006. They were also ordered to compensate the drivers 4,000 ($5,200) to 5,000 ($6,500) euros each.

The president, parliamentarians, members of the European Parliament, ministers, regional and departmental council heads, mayors of larger communities, and directors of state-owned companies (post office, railway, and telephone) are required to declare their personal assets to the Commission for the Financing Transparency of Political Life at the beginning and the end of their terms. The commission issues periodic reports on officials' financial holdings on a discretionary basis at least once every three years.

The law provides for public access to government information, and the government provided access in practice for citizens and noncitizens, including foreign media.

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

A wide variety of domestic and international human rights organizations generally operated, investigated, and published their findings on human rights cases without government restrictions. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies.—Prior to May, the High Authority for the Fight against Discrimination and for Equality (HALDE) was the independent administrative authority that judged all discrimination, direct or indirect, prohibited by domestic law or an international agreement to which the country is a party. The National Consultative Commission on Human Rights (CNCDH) served in an advisory role to the government on human rights and produced an annual report on racism and xenophobia in the country.

The defender of rights, the equivalent of an official ombudsman for civil liberties, heads the four merged agencies that deal with human rights issues: the state mediator, HALDE, the defender of children, and the National Committee on Security Ethics (CNDS). Dominique Baudis was appointed the defender of rights on June 22. While it was too early to draw conclusions on the mission's accomplishments, media observers regularly questioned the independence of the organization. Opposition politicians and human rights groups also alleged that the selection of the ombudsman by the president meant the position has less freedom when assessing government policies.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and the government generally enforced the law effectively. The penalty for rape is 15-years' imprisonment and may be increased due to the age of the victim or the nature of the relationship of the rapist to the victim. The government and NGOs provided shelters, counseling, and hotlines for rape victims.

According to the National Observatory for Delinquency and Criminal Responses (ONDRP), a total of 10,108 rapes were registered in the country in 2010. A report published by three NGOs estimated that there are 75,000 victims of rape each year. The Ministry of Justice and Liberties reported 1,092 convictions for rape in 2009, the most recent year for which data was available.

Violence against women was a problem. The law prohibits domestic violence against women, including spousal abuse, and the government generally enforced it. The penalty for domestic violence varies according to the type of crime, ranging from three years in prison and a fine of 45,000 euros ($58,500) to 20 years in prison. The

government sponsored and funded programs for female victims of violence, including shelters, counseling, hotlines, free mobile phones, and a media campaign. The government also supported the work of 25 associations and NGOs dedicated to fighting domestic violence.

The government budgeted 31.6 million euros ($41.1 million) to fund its 2011-13 plan to combat violence against women, which represented a 30 percent increase over the previous three-year plan. The program focused on increasing protection and social assistance for victims, increasing the number of shelters available to them, raising awareness about rape and violence against women, and better training health-care workers and other government employees to identify victims.

The government reported that 146 women were killed by their spouses in cases of domestic violence in 2010, a 4 percent increase from 2009, when 140 women were killed. According to estimates by the National Institute for Statistics and Economic Studies (INSEE), 663,000 women were victims of domestic violence during 2010.

Female Genital Mutilation (FGM).—The law prohibits FGM as "violence involving mutilation or permanent infirmity." It is punishable by up to 10 years in prison and a fine of 150,000 euros ($195,000). The sentence increases to 20 years if the crime involves a minor under 16 years of age. The statute of limitations for FGM is 20 years after the victim turns 18.

According to the French NGO Women for the Abolition of Sexual Mutilations, 30,000 female adults and minor women in the country were circumcised or at risk of FGM in the country. The National Institute for Demographic Studies estimated that 53,000 women were circumcised or under threat of FGM during the year.

The majority of FGM victims were recent sub-Saharan African immigrants or their children. One study concluded that FGM had become less prevalent due to awareness campaigns, but prevention and information efforts were needed to cover children at risk during family visits to their countries of origin. The government provided reconstructive surgery and counseling for FGM victims.

On October 20, a suburban Paris couple was indicted and taken into custody for circumcising three of their five daughters. The parents, who were of Malian origin, refused to name the person responsible for the mutilations but confirmed the incidents took place in France when their daughters were two or three years old. A trial date had not been set by year's end. The three youngest daughters were taken into temporary court custody.

Sexual Harassment.—The law prohibits gender-based job discrimination and harassment of subordinates by superiors, but it does not apply to relationships between peers. Sexual harassment was not widely considered a problem in the workplace. Both the government and NGOs widely publicized the laws, and the government enforced them effectively. According to the Ministry of Justice, 78 abusers were sentenced for sexual harassment in 2009, the most recent year for which data was available; the statistics did not specify the gender of the victims. A July 2010 law to combat violence against women increased the penalty for sexual harassment to 15,000 euros ($19,500) and one year in prison. The government's 2011-13 plan to combat violence against women includes a study on sexual harassment and an awareness campaign.

Reproductive Rights.—There was easy access to contraception, skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men. Couples and individuals were free to decide freely and responsibly the number, spacing, and timing of their children, and had both the information and means to do so free from discrimination, coercion, and violence.

Discrimination.—The law prohibits gender-based job discrimination and harassment of subordinates by superiors, but it does not apply to relationships between peers. Under the constitution and law, women have the same rights as men in family law, property law, and the judicial system. The secretary of state for solidarity and social cohesion is responsible for the legal rights of women. The constitution and law provide for equal access to professional and social positions.

The law requires that women receive equal pay for equal work. However, governmental organizations and NGOs estimated that there was a gender-based pay discrepancy of approximately 27 percent in practice. Although they made up 61 percent of the public sector's workforce, women were underrepresented in managerial jobs and continued to face difficulties attaining positions of responsibility. According to a survey of the top 500 companies in the country released during the year, 10 percent of executive-board members were women.

Women were generally underrepresented in the legislature and other levels of government leadership. Statistics released in November 2010 by INSEE indicated that the unemployment rate was 9.4 percent for men and 9.1 percent for women.

Children.—Birth Registration.—Citizenship is derived both from one's parents and the place of one's birth. Children born within the country's territory to at least one French citizen parent automatically acquire citizenship at birth. A child born in the country to foreign parents may acquire citizenship at birth if stateless or acquire the right at the age of 18 with five years of residence.

Child Abuse.—There are strict laws against child abuse by parents or guardians, and the government generally enforced the law effectively and prosecuted abusers. In 2010 parliament passed a law making incest a crime. Previously, authorities prosecuted incest under laws that prohibit rape and sexual assault. On September 16, the Constitutional Council ruled that the law making incest a crime was illegal because the definition of those who might be prosecuted was imprecise.

The law provides for a government children's advocate, who is charged with defending and promoting children's rights as defined by law. Child abuse was generally not considered a problem. On May 1, the government merged the position of defender of children into that of the defender of rights.

The government provided counseling, financial aid, foster homes, and orphanages for abuse victims. Various NGOs also helped minors in cases of mistreatment by parents.

Child Marriage.—The minimum legal age for marriage is 18. Child marriage was a problem, particularly in communities of African or Asian origin. Although such marriage ceremonies took place primarily outside the country, authorities took steps to address the problem. Parents may be prosecuted in these cases. Women and girls could seek refuge at shelters if their parents or guardians threatened them with forced marriage. The government offered some educational programs to inform young women of their rights. The High Council for Integration stated it was important to distinguish between arranged and forced marriage. According to human rights observers, 70,000 children between the ages of 10 and 18 were at risk of being forced into a marriage.

According to a study conducted in 2008 and published on June 23 by the National Institute for Demographic Studies (INED) and INSEE, the number of forced marriages was declining among immigrants and French citizens of immigrant descent. According to the report, 9 percent of women between 51 and 60 were married against their will, with two-thirds of these marriages taking place in their countries before immigrating to France. In 13 percent of these cases, the bride's consent had been severely coerced. Among women between the ages of 26 and 30, the percentage of forced unions was down to 2 percent, and the percentage of marriages based on coerced consent was down to 3 percent. The rate of forced marriages of women between the ages of 26 and 40 originating in Turkey and countries in North Africa and the Sahel remained between 4 and 8 percent. In many cases women of immigrant descent were forced to marry after becoming pregnant.

Sexual Exploitation of Children.—The law criminalizes statutory rape of minors under the age of 16, the minimum age of consensual sex, and the government generally enforced the law effectively. The penalty for statutory rape is 15 years' imprisonment and may be increased, depending on the age of the victim or the nature of the relationship of the rapist to the victim. The government and NGOs provided shelters, counseling, and hotlines for statutory rape victims. The law prohibits child pornography; the maximum penalty for its use and distribution is five years imprisonment and a 75,000 euro ($97,500) fine.

As a result of a joint French, Spanish, Italian, and Belgian investigation, French and Italian police arrested Fehim Hamidovic and approximately 20 other co-conspirators in November and December 2010. In February 2011 French authorities accused Hamidovic of trafficking teenage girls, most of them of Romani descent, from Bosnia and Herzegovina. The girls were forced to beg and steal, most often in the Paris subway, and were expected to bring back 300-1,000 euros ($390-$1,300) per day to their traffickers. The girls were threatened with violence or rape if they did not comply with their traffickers. As of year's end, a trial date had not been set.

In April Bordeaux' s criminal court sentenced three French nationals to three to five years in prison, followed by eight years of probation, for having sex with underage Bulgarian male prostitutes. The parents of the Bulgarian boys were also scheduled to stand trial, but a court date had not been set as of year's end.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community was estimated at 600,000 persons. A number of anti-Semitic incidents were reported during the year, including slurs against Jews and attacks on synagogues and cemeteries. According to the Ministry of Interior, Overseas France, Local Authorities, and Immigration, there were 466 anti-Semitic incidents in 2010. On June 30, Interior Minister Claude Gueant an-

nounced that 185 anti-Semitic acts were committed from January 1 to May 31, compared with 222 over the same period in 2010. In a report released in October, the Jewish Community Protection Service (SPJC) announced that 294 anti-Semitic acts were committed in the country between January 1 and September 30. This number was a decrease from the 384 acts that were reported during the same period in 2010.

During the year several violent anti-Semitic attacks were reported. The SPJC reported 36 acts of violence from January 1 to September 30. No killings or attempted killings were reported.

On the evening of June 18, a 21-year-old Jewish man in Villeurbanne, a suburb of Lyon, was insulted and attacked twice while walking alone to visit a friend on the Sabbath. In the first attack, two individuals beat the man with a hammer. In the second, a group of eight assailants, who had been alerted by the first attackers, assaulted the man with a scooter, a motorcycle helmet, and a telescopic police club. Bystanders interrupted the second attack. The victim's injuries were not life threatening but caused him to miss three days of work. Police arrested three suspects and identified four other persons who participated in the second attack. The assailants were released but were scheduled to be formally charged before an examining judge. A trial date had not been set by year's end.

During the year a number of attacks against synagogues, cemeteries, and other Jewish property were reported, including symbolic attacks in which the perpetrators painted swastikas on the property.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other government services. The government generally enforced these provisions effectively.

During the year the Fund Management Organisation for the Professional Integration of People with Disabilities (Agefiph) reported that 19.3 percent of persons with disabilities were unemployed, twice the national rate. The law requires that at least 6 percent of the work force of companies with more than 20 employees be persons with disabilities. Noncompliant companies could face criminal fines. Although many companies were unaware of this legal obligation, in practice persons with disabilities made up on average 6 percent of the work force of companies that were subject to the law. More than six of the 14 government ministries did not meet the 6 percent goal.

The law provides for government compensation to persons for the consequences of a disability and requires that buildings, education, and employment be accessible to them. The law requires that any new building with public or community space and any existing public building be accessible for persons with disabilities. Many buildings as well as transportation systems did not meet these requirements. The law also requires the establishment of centers in each administrative department to assist disabled persons with receiving compensation and employment assistance.

In September 2010 the president announced that social security payments to adults with disabilities would continue to increase by 5 percent per year until 2012. During the year the government paid adults with disabilities 743.62 euros (approximately $967) per month.

National/Racial/Ethnic Minorities.—Societal violence and discrimination against immigrants of North African origin, Roma, and other ethnic minorities remained a problem.

On September 16, a Paris appeals court overturned the June 2010 conviction of the former minister of the interior, overseas France, local authorities, and immigration, Brice Hortefeux, for racial slander. The charges were related to remarks Hortefeux allegedly made to a young party activist of Arab origin during a UMP party event. Hortefeux was caught on camera saying, "When there is one, it's OK. It's when there are a lot of them, that there are problems," in reference to persons of North African origin. The trial court had fined him 750 euros ($975) and ordered him to pay 2,000 euros ($2,600) to an antiracism organization. Following the appeals court decision, the NGO Movement against Racism and for Friendship between Peoples (MRAP) announced that it would file an appeal before the Court of Cassation.

On April 4, the NGO SOS-Racism filed a complaint against Interior Minister Claude Gueant after he told journalists during a trip to Nantes that the growing number of Muslims in the country "poses a problem."

Many observers expressed concern that discriminatory hiring practices in both the public and the private sectors deprived minorities from sub-Saharan Africa, the Maghreb, the Middle East, and Asia of equal access to employment.

According to an INSEE survey conducted in 2009, the most recent year for which data was available, the unemployment rate of immigrants was nearly twice that of nonimmigrants (16 percent versus 8.4 percent). The survey showed that children of immigrants also had higher unemployment rates than did the children of two French parents. According to the report, lower levels of education and experience for the children of immigrants were only partly responsible for the higher unemployment rate.

Societal hostility, government evictions, and compulsory repatriations, many of which were aimed at illegal immigrants from Romania and Bulgaria, continued to be serious problems. During the year authorities evicted and compulsorily repatriated thousands of Romanian and Bulgarian citizens, many of whom were Roma (see section 2.d.).

On October 27, AI reported a suspected arson attack on Roma squatters in an unused warehouse in Paris and, citing "the general climate of intolerance and prejudice towards Roma in France," called on authorities to investigate and consider whether racial motivation was involved. The Prosecutor's Office ordered the Judicial Police to investigate. AI also called on authorities to provide emergency accommodation for the approximately 40 persons left homeless by the fire.

The NGO Medecins du Monde alleged that some Roma were subjected to pressure and intimidation by police.

On March 1, unidentified assailants threw two Molotov cocktails into the camp of Romanian Roma not far from the Moger Castle east of Montpellier. No injuries were reported, but several caravans and vehicles were burned.

Medecins du Monde reported two incidents of violence against Roma during the year. In August a police officer hit a girl on the head while she was trying to prevent officers from throwing out her belongings during an eviction. In October employees of Medecins du Monde encountered a woman in Arenc with two broken ribs. The woman reported that a group of young people threatened her and hit her with an iron bar.

During the year several French NGOs reported deteriorating living conditions for Roma. A study by Doctors without Borders highlighted declining health within the Romani community, due in part to poor access to medical care. The study claimed that 2.5 percent of Roma living in itinerant camps had tuberculosis and only 8 percent were fully vaccinated. The newborn death rate among Roma was reportedly nine times higher than the national average.

Travellers' organizations alleged that both itinerant Travellers and those with fixed abodes faced discrimination in education, housing, and access to government services. Other discrimination problems were particularly acute for Travellers, as some mayors denied school registration to children whose parents lived in illegal campsites. Travellers benefited from a special status that authorizes their children discontinuous school attendance without justification. School registration rates for Travellers were 66.7 percent in kindergarten, 81.8 percent in primary schools, and 78.8 percent in high school, but absenteeism and breaks within the education system were frequent. According to a survey conducted by the NGO collective Romeurope that was released in February 2010, between 5,000 and 7,000 Romani children living in the country were not enrolled in school.

Travellers were subject to laws that did not apply to residents with permanent residences. Individuals over the age of 16 not settled in one place must have a periodically renewed travel permit. Any delay in renewal entails a maximum fine of 1,500 euros ($2,200). Authorities did not consider Traveller caravans to be housing; as a result they were not entitled to housing assistance.

The law requires municipalities with more than 5,000 inhabitants to provide a camping site with sanitary facilities and access to water and electricity. According to a parliamentary report released on March 9, 48 percent of municipal authorities had established 16,000 campsites. However, there was still a shortage estimated at over 20,000 sites (according to authorities) or up to 60,000 sites (according to NGOs). At the end of the year, approximately 5,000 additional campsites were under construction or slated for construction.

Citizens may report cases of discrimination based on national origin and ethnicity to HALDE. On May 1, HALDE merged into the office of the defender of rights. In 2010 HALDE received 12,467 discrimination claims, half of which concerned employment. HALDE issued opinions on approximately 300 cases per year and offered mediation for hundreds more.

The government attempted to combat racism and discrimination through programs that promoted public awareness and brought together local officials, police,

and citizen's groups. Some public school systems also managed antidiscrimination educational programs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination on the basis of sexual orientation. Authorities pursued and punished perpetrators of violence against lesbian, gay, bisexual, and transgender (LGBT) persons. The NGO SOS Homophobia reported 1,500 homophobic acts in 2010, a 20 percent increase compared with 2009. It reported that there were 125 instances of physical assault, a 43 percent increase compared with 2009. After the NGO Inter-LGBT claimed that homosexual minors were frequently targeted for violence, the Ministry of National Education, Youth, and Community Life responded by asking schools to introduce lessons on tolerance and diversity.

In January the Val-de-Marne criminal court convicted four men for attacking a young boy in 2006 because he was homosexual. The attackers received sentences of 16 to 20 years in prison.

On May 16, the Ministry of Interior announced that a police or gendarme officer would be appointed in each station to record the lawsuits filed by victims of violence based on sexual orientation and gender.

Other Societal Violence or Discrimination.—There was no societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution and law provide workers, including migrant workers, the right to form and join unions of their choice without previous authorization or excessive requirements. The law allows unions to conduct their activities without interference, and workers, except certain essential service workers such as police and armed forces, have the right to strike unless the strike threatens public safety. Health-care and public transport workers are required to provide a minimum level of service during strikes. Workers must declare their participation in a strike at least 48 hours before the strike commences. Laws and regulations prohibit retaliation against strikers, and these laws were effectively enforced. The law provides for the right to bargain collectively.

Workers exercised their rights to form and join unions, conduct union activities, and bargain collectively. Legal strikes were conducted during the year. Although the law prohibits antiunion discrimination, union representatives noted occasional reports of antiunion discrimination, particularly in small companies.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children. However, there were reports that such practices occurred. Men, women, and children, mainly from Eastern Europe, West Africa, and Asia, continued to be trafficked for the purpose of forced labor, including domestic servitude. There were no government estimates available on the extent of forced domestic labor. During 2010 the Committee against Modern Slavery received 239 notifications and provided assistance to 126 victims, the majority of whom were women working in domestic labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits most forms of child employment, and the government implementation of laws and policies to protect children in the workplace was generally effective. The minimum age for employment is 16. There are exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry; however, these industries are subject to further regulation of conditions and work hours for minors. Persons under the age of 18 generally are prohibited from performing work considered arduous or working between 10 p.m. and 6 a.m. Inspectors from the Ministry of Labor, Employment, and Health investigated workplaces and generally enforced compliance with child labor laws.

d. Acceptable Conditions of Work.—On November 30, the Council of Ministers raised the national minimum wage to 9.19 euros ($11.95) per hour. The Ministry of the Economy, Industry, and Employment enforced the minimum wage. The poverty-level income rate was 954 euros ($1,240) a month for an individual, 1,431 euros ($1,860) for a couple, and 2,000 euros ($2,600) for a couple with two children under the age of 14. Salaries below the minimum wage were permitted for certain categories of employment, such as persons in subsidized jobs and internships, which must conform to separate, clearly defined standards. Employers, except those in the informal economy, generally adhered to the minimum wage requirement.

The official workweek is 35 hours. Companies may negotiate opt-outs with employees. The maximum number of working days for white-collar workers is 235 days per year. Maximum hours of work are fixed at 10 hours per day, 48 hours per week, and an average of 44 hours per week over a 12-week work period. Employees are entitled to a daily rest of at least 11 hours and a weekly break of at least 24 hours total, not including the daily rest period. Employers are required to give workers a 20-minute break during a six-hour workday. Premium pay of 25 percent is mandatory for overtime and on weekends and holidays. These standards were effectively enforced.

The law sets basic occupational health and safety standards. The Ministry of Labor, Solidarity, and Public Sector is responsible for enforcing the law and did so effectively. In 2010 there were approximately 600,000 workplace accidents. As of 2007, there were 488 labor inspectors in the country.

GEORGIA [1]

EXECUTIVE SUMMARY

The constitution of Georgia provides for an executive branch that reports to the president, a unicameral parliament, and an independent judiciary. President Mikheil Saakashvili was reelected in January 2008 in an election that international observers found consistent with most Organization of Security and Cooperation in Europe (OSCE) democratic election commitments. However, the OSCE also highlighted significant problems, including widespread allegations of intimidation and pressure, flawed vote-counting and tabulation processes, and shortcomings in the complaints and appeals process. These and other problems were also seen in parliamentary elections in May 2008, which OSCE observers concluded were uneven and incomplete in their adherence to international standards. Despite a large number of opposition parties, the executive and parliament were dominated by a single party. Security forces reported to civilian authorities.

The most important human rights problems reported during the year were: 1) Abuse of prisoners and detainees by government officials as well as dangerously substandard prison conditions; 2) Shortfalls in the rule of law, such as concerns about ensuring the judiciary's independent and even-handed application of due process protections; and 3) Government interference with unions' fundamental freedom of association in several areas, including interference with strikes, arbitrary dismissals, interference with collection of dues, and harassment and intimidation of labor activists.

Other problems reported during the year included security forces' use of excessive force against demonstrators without criminal accountability, in particular during the breakup of opposition protests on May 26; harassment of members of the political opposition; and continued allegations of politically motivated imprisonment, primarily of individuals incarcerated prior to 2011. There were reports of improper government use of eminent domain to seize private property. Although parliament adopted a law providing for greater transparency of media ownership, citizens had limited access to diverse and unfettered media. While independent media were active and expressed a wide variety of views, the three largest television broadcasters reportedly had close ties to the government, and direct or indirect government influence over media outlets remained a concern. Protection of religious minorities improved, including parliament's adoption of a law to permit a broad range of religious groups besides the Georgian Orthodox Church to register as legal entities. Problems continued to be reported regarding the resettlement of internally displaced persons (IDPs). Other problems included lack of transparency in business ownership and the conduct of government bids. There were reports of low rates of women in elected positions. There were reportedly high rates of domestic violence. Georgia was primarily a source country, but also a transit country for trafficking in persons.

Although the government took some steps to prosecute and punish officials who committed human rights abuses, investigations into such allegations were frequently terminated or delayed, contributing to an atmosphere of impunity.

De facto authorities in the separatist regions of Abkhazia and South Ossetia remained outside the control of the central government. These authorities continued to be supported by several thousand Russian troops and border guards occupying the areas since the 2008 armed conflict between Russia and Georgia. A cease-fire remained in effect in both Abkhazia and South Ossetia, although incidents of vio-

[1] Note: Except where otherwise noted, figures and other data do not include the separatist, occupied regions of South Ossetia and Abkhazia.

lence occurred in both areas. Russian border guards restricted the movement of the local populations. De facto authorities continued to restrict the rights, primarily of ethnic Georgians, to vote, otherwise participate in the political process, own property, register businesses, and travel. The de facto South Ossetian authorities refused to permit most ethnic Georgians driven out during and after the 2008 conflict to return to South Ossetia. With the exception of the International Committee of the Red Cross (ICRC), international organizations were not allowed regular access to South Ossetia to provide humanitarian assistance.

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

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

In one high profile case, friends of two men found electrocuted on the rooftop of a building near the location of the May 26 protests alleged their deaths were the result of police action. However, two forensic laboratories found the deaths to be consistent with accidental electrocution. On June 2, a third protest participant died of cardiac arrest, which his family maintained was related to being hit with a tear gas canister fired by police during the protest.

In another case, the Free Democrats political party raised concerns regarding the September 17 death in detention of military officer Sergo Tetradze. Ministry of Defense officials arrested him on charges of espionage on September 17, and Ministry of Corrections officials informed his family of his death in custody one week later. Tetradze's wife stated she saw signs of torture on Tetradze at his hearing 24 hours after his arrest and on his body after his death. Police records indicated Tetradze was held by military police for 19 hours, an unusually long period of time. His medical report at the time of incarceration noted light bruising and excoriations which, according to the report, Tetradze indicated were sustained prior to apprehension. An autopsy reported injuries inflicted with a firm blunt object on at least three occasions, once six-eight days before death, once five-six days before death, and again one day before death. Prison records and the subsequent investigation by the Ministry of Justice indicated Tetradze died of a heart attack on September 23 while receiving treatment for cardiovascular insufficiency in the prison hospital. The cause of death in the autopsy report was inconclusive, although it indicated that he had heart problems and that the injuries likely did not cause his death.

On April 26, the European Court of Human Rights (ECHR) ruled that the authorities failed to conduct an effective investigation into the high-profile 2006 death of Sandro Girgvliani. The court found that the government failed to submit a number of requested items of evidence and noted with particular concern "how the different branches of state power—including the Ministry of the Interior, the prosecution authority, the domestic courts, and the president of Georgia—had all acted in concert in preventing justice from being done" in the case. Gia Alania, chief of the first unit of the ministry's department of constitutional security, and three of his subordinates, Avtandil Aptsiauri, Aleksandre Gachava, and Mikheil Bibiluri, were convicted of murder, but only served three years in prison as a result of a presidential pardon. The ECHR also ruled that the perpetrators acted in a personal capacity and therefore the government could not be held responsible for the killing. The court noted a number of serious flaws in the investigation conducted by authorities.

Media reported that a landmine accident in South Ossetia resulted in one fatality and injuries. However, limited information about events in South Ossetia made it difficult to confirm reports of incidents in this region. The NGO HALO Trust and the ICRC reported one injury and one death from unexploded ordnance in uncontested Georgian territory. HALO Trust completed mine clearance of occupied Abkhazia and declared it mine-free in November.

b. Disappearance.—No politically motivated disappearances in unoccupied Georgia or connected to the conflict in Abkhazia or South Ossetia were reported in 2011. Reliable information from the separatist regions, which were outside government control, remained difficult to obtain.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices. However, there were reports that government officials continued to employ them with limited accountability. The Public Defender's Office's annual Situation of Human Rights and Freedoms in Georgia report for 2010 (released in June) stated that accountability for torture and other inhuman treatment remained a problem and that the Prosecution Service dealt with "almost all cases" superficially, terminating or delaying investigations and failing to conduct forensic medical examinations or postponing examinations until a victim's injuries were untraceable. In addition, officials who conducted investigations into allegations of torture often mischaracterized such acts as abuse of official power,

which carried a far lighter sanction. The European Instrument for Democracy and Human Rights (EIDHR) September Atlas of Torture noted that beatings and excessive use of force were more likely to be administered based on political motivations, such as against demonstrators criticizing the government.

EIDHR reported noticeable improvements with respect to curbing the excessive use of force as a routine practice during police interrogations and police detention, which they attributed to reforms and increased professionalism. However, they reported police still frequently used excessive force during arrest, interrogation, and transfer of detainees. In the 2010 National Preventive Mechanism Report (released in spring 2011), the Public Defender's Office noted frequent instances of prison employees mistreating detained and imprisoned individuals. In 2011 such cases were particularly prevalent in Kutaisi Prison No.2. The Public Defender's Office stated that investigations into allegations of mistreatment were inadequate. The public defender also noted that, unlike in pretrial detention facilities and penitentiaries, there were almost no cases of mistreatment in temporary detention cells where detainees were held for up to 72 hours awaiting a hearing, and individuals convicted of administrative offenses are held up to 90 days. According to the Public Defender's Office and human rights monitors, the incidence of abuse in temporary detention cells remained low due to continued, unannounced, random monitoring of stations by officials of the Ministry of Justice. However, the office reported that physical injuries were observed very frequently on individuals upon admission to police detention facilities.

During the year NGOs and the public defender documented several cases of police officers mistreating detainees, beating or denying them water, food, access to sanitation, or permission to contact family or a lawyer. For example, police allegedly beat Murman Dumbadze while detaining him at the site of the May 26 protests and again when interrogating him at the Dighomi police station. Dumbadze reported that, while one officer was handcuffing him at the protest, a second officer beat him on the head, arms, and legs. He alleged that once he was taken to the police station, he was beaten, kicked, and whipped every two to three hours throughout the night. The police report confirmed injuries, including cuts, a broken nose, and extensive bruising. A criminal investigation by the Chief Prosecutor's Office into the alleged mistreatment continued at year's end.

According to the public defender, mistreatment in penitentiary facilities where pretrial detainees and convicts are held continued during the year. EIDHR stated that the main source of mistreatment shifted from the police to the penitentiary system. The public defender stated that Kutaisi Prison No. 2, Gldani Prison No. 8, and the Medical Institution for Convicted and Indicted Persons had the highest rates of mistreatment in 2011. EIDHR alleged that both the Administration of Prisons and prison guards were involved in the abuse of detainees and added that "special task forces" at the central penitentiary department and in individual prisons were called in to "bring about results."

Prisoner Ahmed Aboliv reported to the public defender that prison guards physically and verbally assaulted him twice on July 25. After being beaten, he allegedly was handcuffed naked in an isolation cell for two hours. After returning him to his cell, prison authorities denied him the medical treatment he requested for pain and nausea. Aboliv's cellmates and the public defender confirmed injuries consistent with the beating allegation. The Ministry of Correction and Legal Assistance initiated an investigation, but an examination on August 10—16 days after the alleged abuse—found no signs of physical injuries. An investigation by the Ministry of Justice continued at year's end.

According to the Ministry of Justice, authorities initiated 20 investigations into allegations of torture, nine into inhuman treatment, and one into the use of duress to compel evidence during the year, compared with 19 allegations of torture and 15 of inhuman or degrading treatment in 2010. During the year the Ministry of Justice reported that 14 cases were terminated and judgments were rendered against two persons (one police officer was convicted of torture, and another individual was convicted of inhuman treatment). In addition four police officers and two prison staff were convicted during the year of abuse of power against persons under their custody.

NGOs and the Public Defender's Office reported that victims often failed to report abuse due to fear of retribution. NGOs also continued to claim that close ties between the Prosecutor General's Office and police hindered the ability of NGOs to substantiate police misconduct, and that the judiciary's lack of professionalism and independence made it unresponsive to allegations of mistreatment. Experts observed that judges referred detainee reports of mistreatment back to the institutions responsible for them. NGOs also cited lack of training for law enforcement officers,

low public awareness of the protections afforded citizens, and inadequate standards of transparency and accountability.

Individuals detained in South Ossetia who later returned to undisputed Georgian territory reported incidents of mistreatment and abuse in Ossetian detention centers. Mistreatment included cigarette burns, burns with the hot barrel of a gun, and beatings. Human rights observers estimated half of those detained by the South Ossetian de facto authorities experienced some form of abuse. Due to limited access to occupied South Ossetia, these reports were difficult to confirm.

Prison and Detention Center Conditions.—The Public Defender's Office, EIDHR, and many NGOs continued to report that conditions in many prison and pretrial detention facilities were poor and sometimes life threatening. The public defender noted that, while newly constructed facilities met international standards, old facilities still in use were inhumane and deteriorating. Such facilities exposed those incarcerated to overcrowding, inadequate healthcare, insufficient ventilation, and life-threatening conditions.

Most prison and pretrial detention facilities lacked adequate sanitary facilities. In its 2010 report Situation of Human Rights and Freedoms in Georgia, the Public Defender's Office noted that, in some penitentiaries, sanitary conditions and overcrowding were poor enough to amount to inhuman and degrading treatment. The public defender named Zugdidi Prison No. 4, Batumi Prison No. 3, and Tbilisi Prison No.1 as particular problematic sites. In Zugdidi No. 4 and Batumi No. 3, obsolete infrastructure made it impossible to eradicate parasites and rodents. The 2010 National Preventive Mechanism report noted that inmates in solitary confinement in Ksani Prison No. 15 were not given soap or toilet paper. The report also noted that prison officials frequently placed inmates in solitary confinement in Gldani Prison No.8 for several days for punitive reasons and deprived them of beds, blankets, and mattresses. According to the public defender, 140 prisoners died within the penitentiary system in 2011, compared with 142 in 2010. Tuberculosis was the leading cause of prisoner death.

The public defender's Situation of Human Rights and Freedoms in Georgia report also noted that conditions in temporary detention isolation cells continued to be an acute problem. These facilities were intended to hold detainees accused of crimes and awaiting a hearing for up to 72 hours and not to provide long-term detention. However, isolation cells also housed all individuals convicted of administrative offenses for up to 90 days. According to the public defender, 3,225 persons served terms of administrative detention in the temporary detention isolation cells in 2011. The public defender noted numerous problems, including inadequate space, ventilation, natural light, heating, sanitation, and access to medical services. In many instances, administrative detainees were not provided bedding or access to showers.

The Asatiani Psychiatric Institute in Tbilisi, cited in 2010 for "inhumane and degrading conditions," was closed in 2011 and its patients transferred to newer psychiatric facilities.

Many prisons were severely short of medical facilities, equipment, and medicine. The 2010 Situation of Human Rights and Freedoms in Georgia report by the Public Defender's Office asserted that funding inequalities between the civilian health care system and health care in the penitentiary system violated international standards. The report acknowledged progress in reducing overcrowding but emphasized the continued high prison population, noting that overcrowding continued to compound poor conditions and inadequate health care. According to the public defender, eight facilities were overcrowded. As a result some inmates in three facilities did not have their own beds. According to the Ministry of Corrections and Legal Assistance, the inmate population at year's end was 24,114, compared with 24,019 in 2010. Of that population, 6.3 percent were pretrial detainees. The number of conditional early release prisoners increased from 242 in 2010 to 445 during the year. The ministry attributed the stabilization in the prisoner population from 2010 to 2011 to the use of alternative methods of rehabilitation.

International organizations that monitor prison conditions found that the country's space standards for prisoners were deficient. The National Preventive Mechanism report recommended that the country's judicial system employ lighter sentences or alternatives to incarceration for less dangerous criminals.

During the year the Ministry of Justice focused on developing alternatives to incarceration for juveniles, implementing a diversion program for juvenile offenders. A key principle of the program was to allow young offenders to avoid criminal proceedings if they graduated from the program and did not commit further crimes. According to the ministry, 80 juveniles entered the program in 2011, and only four committed a new offense. At year's end there were 162 juveniles in the penitentiary system.

As a result of a December 2010 order which provided the right of religious worship to prisoners and detainees, clergy of minority confessions reported substantial improvements. However, some Muslim leaders reported that incarcerated members of their community still lacked appropriate space to worship. While there were Georgian Orthodox chapels in most prisons, there were no specific nondenominational areas for worship.

Authorities permitted prisoners to submit complaints to judicial authorities as well as to the Public Defender's Office, NGOs, international organizations, and lawyers without censorship. However, NGOs reported prison authorities pressured prisoners and their attorneys to withdraw their applications to the European Court of Human Rights (ECHR). In one case Archil Sakhvadze was allegedly beaten by prison guards in Prison No. 7 in 2010 and told to withdraw his case from the ECHR. According to the Justice Ministry, an examination of Sakhvadze revealed no signs of beating. An investigation continued at year's end.

Prisoners also requested investigations of inhuman conditions. Authorities opened investigations into such allegations, but in many cases never officially completed them, filed charges, or took other disciplinary action against officials alleged to have committed abuses.

The government permitted independent monitoring of prison conditions by international organizations and some local and international human rights groups. The ICRC had full access to prisons and detention facilities in undisputed Georgian territory and some access to prison and detention facilities operated by de facto authorities in Abkhazia and South Ossetia.

Prison conditions in the two separatist regions were reported to be chronically substandard, although overcrowding reportedly was not a problem.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention. However, the government's observance of these prohibitions was uneven.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs has primary responsibility for law enforcement and controls the police force. During times of internal disorder, the government may also call on the armed forces. The Ministry of Finance has its own investigative service.

While security forces were generally considered effective, there were some reports that members committed abuses with impunity (see sections 1.c. and 2.b.). Government investigations into reports of police abuses of protesters (see section 2.b.) resulted in the firing of four police officers, one demotion, and 11 reprimands, including of senior-level officials. Offenses included abuse of special means of coercion, physical assault of citizens, failure to manage subordinates properly, and failure to follow instructions. The public defender described the disciplinary action as an important deterrent, but insufficient, and called for a criminal investigation of human rights violations documented by his office.

NGOs and the public defender maintained that the incidence of police abuse was higher than the number of cases investigated by the prosecutor general and that failure to conduct systematic investigations and pursue convictions of all alleged abusers contributed to a culture of impunity. Human rights NGOs also asserted that many instances of abuse went unreported by victims due to fear of reprisal or lack of confidence in the judicial system.

According to the Ministry of Internal Affairs, its General Inspection Service imposed more disciplinary actions on law enforcement officers in 2011 than in previous years. Forms of punishment included reprimands, demotions, and dismissals. There were 1,017 such actions during the year compared with 861 in 2010. The ministry also reported that during the year 60 officers were arrested for committing various crimes, compared with 46 in 2010. Crimes during the year included corruption (seven cases), carrying or using narcotics (four), fraud or excessive use of authority (17), abuse of authority (four), and misappropriation of state property (10).

The Prosecutor General's Office manages all criminal investigations into allegations of torture and mistreatment by government officials. Prosecutors must investigate the use of force by police when a detainee sustains injuries during an arrest. The law requires the office to open an investigation when it receives information about a possible violation, even if from an anonymous source. If prosecutors conclude after investigation that charges are not warranted, their decision can be appealed to a higher level within the office. In some cases, the Prosecutor General's Office continued investigations indefinitely without issuing any findings. In most cases that were completed, the office concluded that the use of force by police was reasonable. The Human Rights Protection Unit in the Office of the Prosecutor General issued regular updates on the status of cases, trials, and investigations of human rights violations.

The police academy provided basic training for 7,000 new police officers and retrained 2,000 police investigators during the year. The curriculum included human rights training and covered the legal basis for the use of force, proper crowd control, hate crime investigation, use of negotiations for managing critical situations with the goal of employing lawful force as a last resort, identification of trafficking cases, and police ethics.

Specialized training on human rights was conducted in cooperation with international partners, such as the Council of Europe.

Arrest Procedures and Treatment While in Detention.—Law enforcement officers must have a warrant to make an arrest except in exceptional cases where there are no less restrictive alternative measures available. According to the criminal procedure code, an arrest warrant can be obtained only where probable cause can be shown that a person committed a crime punishable by imprisonment, or that he or she may abscond or fail to appear in court, destroy evidence, or commit a new crime. The Georgian Young Lawyers Association (GYLA) reported that most arrests were made without a warrant based on "immediate necessity," and courts later substantiated police action in almost all cases. The public defender considered unsubstantiated arrest warrants to be a systemic problem characteristic of most courts. According to the Ministry of Justice, there were no reports during the year of officials holding detainees without judicial review for longer than the 72 hours permitted by law.

Upon arrest, a detainee must be advised of all legal rights. Any statements made after arrest but before a detainee is advised of his or her rights are inadmissible in court. The arresting officer must immediately take the detainee to the nearest police station, and the detainee must be indicted within 48 hours or released. The arresting officer must make a record of the arrest immediately after the detainee is brought to the police station. The record should indicate the detainee's identity, place and time of arrest, circumstances of arrest, legal basis for the arrest, physical condition of the detainee at the moment of arrest, and the crime that the detainee is suspected of committing. The record must be signed by the arresting officer and the detainee, with a copy given to the detainee and his or her attorney.

The judiciary's use of bail instead of pretrial detention increased during the year. However, NGOs noted that many defendants were not able to make bail even when it was granted. Property bonds and other alternatives to bail are permitted.

While a detainee has the right to request immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel, respect for this right in practice was uneven. For example, GYLA alleged that, immediately following the detention of strikers in Kutaisi in September (see section 7.a.), police denied holding them, thus preventing them from meeting with their attorneys, even though GYLA representatives could see the strikers through a window.

An indigent defendant charged in a criminal case has the right to counsel appointed at public expense. In practice, all indigent persons appear to have been represented by legal aid counsel at their detention and/or bail hearings. However, persons who could not qualify as indigent and who could not obtain private counsel were often unrepresented at the bail or detention hearing stage of a criminal case. Court observers noted that, in Tbilisi City Court, such nonindigent persons were unrepresented in 23 percent of bail hearings. This represented a 54 percent decline from 2010, when similarly situated nonindigent defendants went unrepresented in as many as 50 percent of detention or bail hearings.

Approximately 150 protesters were unaccounted for in the period immediately after the May 26 protests, and the public defender stated most detainees were unable to exercise their rights to notify a third party of their whereabouts, consult legal counsel, or have access to medical care. All detainees were accounted for within two weeks, but there was credible evidence that they were moved to regional facilities without informing family members or the public defender (see section 2.b.).

By law detainees facing possible criminal charges have the right to notify their families of their location within three hours of their arrest, and those charged with administrative offenses have the right to notify family upon request. Detainees frequently reported to the Public Defender's Office that they were prevented from contacting family members after detention. GYLA reported police prevented many detainees from the May 26 protests from contacting family members for up to several days after their detention.

Arbitrary Arrest.—The public defender reported cases of arbitrary detention of individuals during the year. NGOs, civil society groups, and opposition party members alleged that politically motivated arbitrary arrest occurred during the year. For example, opposition party members and NGOs alleged that Revaz Khulordava, the deputy head of the opposition Free Democrats faction in the Senaki City Council,

was arrested on false, politically motivated charges in November. Khulordava was charged with the September stabbing of a man in Senaki two months after the incident was alleged to have occurred. Multiple witnesses confirmed Khulordava's alibi. Khulordava had frequently criticized the local government for corruption and misuse of funds.

Patterns in allegedly politically motivated arrests noted in GYLA's Legal Analysis of Cases of Criminal and Administrative Offenses with Alleged Political Motive, published in June, included arrests for illegal possession of drugs or arms without subsequent examination of evidence, defendants charged with offenses more serious than those actually committed, and small infractions mischaracterized as malicious disobedience to police orders. The period covered in the analysis was 2007-10.

During the year de facto officials of the separatist territories and Russian officials continued to detain many individuals in the separatist regions of Abkhazia and South Ossetia on charges related to their "illegal" crossing of the administrative boundary. Russian border guards typically enforced the boundary-crossing rules imposed by de facto authorities by handing individuals over to those authorities. Most individuals were released within five days, but some were held considerably longer. Georgian authorities also detained a number of individuals near the administrative boundary on various charges, including illegal entry into the country. Such individuals often carried only Russian passports with visas to travel in Georgia.

There were reports of arbitrary arrests of ethnic Georgians, particularly in Tskhinvali and Gali regions of South Ossetia and Abkhazia. Detainees reported they were not given a reason for their arrest nor were they seen by a prosecutor. Human rights groups alleged de facto authorities arbitrarily detained ethnic Georgians and held them in order to negotiate prisoner exchanges between de facto officials and Georgian authorities.

Pretrial Detention.—The law provides safeguards for a speedy trial through strict time limits for detentions, hearings, and trials, and observers found that judges strictly enforced these requirements. However, pretrial detention at times was lengthy. A high number of judicial vacancies at the trial-court level may have contributed to some delays in scheduling trials. Criminal cases were delayed or postponed most commonly based on requests from the parties to further negotiate a plea bargain, or because a witness had not appeared as scheduled to give testimony. The Ministry of Corrections reported that 6.3 percent of the penitentiary system population consisted of pretrial detainees.

Amnesty.—According to the Ministry of Corrections and Legal Assistance, the president pardoned 787 convicts in 2011, compared with 1,299 in 2010.

e. Denial of Fair Public Trial.—While the constitution and law provide for an independent judiciary, outside influence on the judiciary remained a problem. Transparency International Georgia's Georgia National Integrity System Assessment for 2011 noted that the judiciary "suffers from undue influence exerted by the Prosecutor's Office and the executive authority during the adjudication of criminal cases, as well as cases where the political leadership's interests are at stake" and that the judiciary's "inadequate level of independence" undermined its ability to exercise oversight of the executive branch. However, the assessment also found that bribery in courts has been eradicated and that judges were believed to be independent in their handling of the majority of civil cases. The public defender's report for 2010 identified inadequate substantiation of court decisions at various stages as an endemic problem in the judiciary across the country.

Court observers noted that judges enforced criminal procedure code standards, adopted in 2009, for ensuring in-custody appearances for defendants within 24 hours of arrest, an initial appearance before a court on an indictment within 48 hours of arrest, and a detention hearing within 72 hours of arrest. Judges held prosecutors to the code's standards for disclosing case evidence to the defense, and complaints of failure by the prosecution to disclose evidence in a timely or complete manner were limited. However, observers noted that judges struggled at times with criminal procedure code language that allows the defense to request assistance from the court in obtaining court-ordered evidence. Judges also showed some reticence in following up on complaints from defendants regarding alleged actions by police or prosecutors that affected the defendant's access to counsel, ability to call defense witnesses at trial, or ability to fully cross-examine police or prosecution witnesses at trial. Judges showed marked improvement in their desire and ability to maintain order in their courts and in demanding higher professionalism from court participants.

Many NGOs complained that judicial authorities continued to act in favor of the ruling party if there was a perceived government interest in the case. Some NGOs and opposition groups alleged that, in cases involving opposition activists, the courts

tended to rule in favor of the government. GYLA's analysis of 2007-10 cases viewed as politically motivated found that the judiciary always upheld the position of the prosecution in such cases. GYLA also identified refusal to grant defense requests and disproportional punishment among common court actions.

A report by the Council of Europe's commissioner for human rights, Thomas Hammarberg, released in June pointed to prosecutors' failure to react to procedural violations committed by the Ministry of Internal Affairs and the ministry's failure to prosecute cases of mistreatment or excessive use of force by law enforcement officials as reinforcing the perception that prosecutors acted selectively on behalf of the government.

The code of administrative offenses reportedly lacks sufficient due process provisions. For example, although the code provides for prison sentences of up to 90 days for violations, it reportedly does not require police to inform individuals of their rights or the reason for their arrest, nor does it permit defendants to present evidence or witnesses for their defense in court. Authorities reportedly used the code to detain opposition protesters during the year and in recent years.

During the year NGOs and observers continued to criticize the lack of transparency in the selection, appointment, and disciplining of judges. Despite the use of objective written examinations to create a pool of potential qualified appointees and publication of the names of all potential candidates for public comment, the judicial appointment process was criticized as not sufficiently transparent, and selection criteria were not sufficiently based on merit.

During the year the High Council of Justice's Judicial Ethics and Disciplinary Procedure Department received 880 complaints involving judges and started disciplinary proceedings in all cases. The majority of complaints were deemed unsubstantiated or faulty. The High Council of Justice questioned judges in seven cases and referred two to the Disciplinary Board of the Common Courts. In previously pending cases, the board dismissed one judge, reprimanded 11, and put four on notice. No judges or prosecutors were convicted on corruption charges during the year.

The Prosecutor's Office and Ministry of Justice are responsible for disciplinary action for violations of the ethics code by prosecutors. During the year 37 prosecutors from the Chief Prosecutor's Office were subject to disciplinary actions ranging from notice to reprimand. Two prosecutors were charged criminally in a formal court indictment.

Trial Procedures.—The law presumes defendants are innocent. Defendants have the right to a trial by jury only in cases of aggravated murder and attempted aggravated murder and only in Tbilisi. During the year the Tbilisi City Court conducted the country's first two post-Soviet jury trials. Most legal observers considered the trials fair and well run. In all other criminal cases, defendants have a right to a public trial (except where national security, privacy, or protection of a juvenile is involved) and to be present at their trial. In practice, the right to a public trial was not always respected. Legal observers noted that some judges closed trials without providing reasons and at other times prevented observers from attending hearings. The law allows for trial in absentia in certain cases in which the defendant has fled the country.

Defense counsel has the right to meet individuals accused of a crime without hindrance, supervision, or undue restriction. However, NGOs and lawyer associations complained that, in practice, long lines and cumbersome entry checks at penitentiary institutions hindered their access to detainees to prepare cases. The Georgian Bar Association reported several cases of harassment of defense attorneys, including physical assault and confiscation of recording material by police, and physical assault, rape threats, and confiscation of case notes by penitentiary officials.

During the year, according to statistical data provided by the Supreme Court, 19 defense lawyers were charged with fraud for misappropriation of client funds. Sufficient information was not available to determine whether these lawyers were objects of undue pressure by the government. However, in March the Georgian mission of the International Observatory for Lawyers described cases of lawyer intimidation in which defense lawyers were arrested and sentenced on fraud charges on the grounds of "ineffectual legal assistance." GYLA asserted that these lawyers were working on "sensitive" cases or were considered "opposition" lawyers and targeted as such. For example, according to GYLA, on July 27, Ramin Papidze, attorney for an opposition party branch in Batumi, was fined and sentenced to 10 days' detention for alleged misbehavior in the courtroom. According to GYLA, the judge based sentencing exclusively on testimony of court bailiffs who, witnesses alleged, assaulted Papidze prior to the hearing.

Defendants may question and confront witnesses against them and present witnesses and evidence on their own behalf at trial. Defendants and their attorneys have access to the prosecution's evidence relevant to their cases at any point during

criminal proceedings and may make copies at their own expense. The prosecution must disclose all evidence to the defendant no later than five days prior to the pretrial hearing. Court observers reported that the prosecution complied with these rules.

A convicted defendant has the right of appeal. However, appeals under the administrative and criminal codes were difficult in practice. Under the criminal procedures code, defendants have one month to file an appeal, and appeals must be completed within three months in cases where the appellant is imprisoned and within 12 months otherwise. However, in criminal cases, courts were allowed up to two weeks to provide court records to defense attorneys, thus reducing the attorneys' time to prepare an appeal. Administrative sentences which entail incarceration must be appealed within 48 hours and within 10 days otherwise. In administrative cases courts provided records three days after the trial, thus forcing attorneys to prepare appeals of cases involving incarceration without the court's written judgment. Appeals must be signed by the defendant, and attorneys reported difficulty in locating and accessing their clients in the penitentiary system, impairing their ability to submit the appeal on time. Human rights monitors also reported that court decisions in administrative trials were often "perfunctory" and that in criminal trials appeals were rejected without an adequate explanation.

Monitoring groups pointed to the country's low acquittal rates in criminal cases and low rates of successful appeals as possible indicators of executive branch pressure on the judiciary. Transparency International/Georgia's 2010 report cited a 1 percent acquittal rate in criminal cases. The Ministry of Justice, on the other hand, cited a 4.6 percent acquittal rate in 2011, compared with a 6 percent rate in 2010. The discrepancy between these rates appears to be attributable to Transparency International's inclusion of all cases, including those concluded through plea bargaining, whereas the ministry included only those cases which proceeded to trial.

By law a court must certify that a plea bargain was reached without violence, intimidation, deception, or illegal promise, and that the accused had the opportunity to obtain legal assistance. Approximately 65 percent of plea agreements contained a fine as a penalty along with either a prison term or a suspended prison sentence. Some legal observers noted that many judges were very attentive to the rights of the defendant during the entry of a plea agreement, while others failed to apprise the defendant of important rights and legal protections. The June report of the Council of Europe's human rights commissioner noted that, in practice, judges relied almost exclusively on evidence presented by the prosecutor in plea agreements. The U.N. Working Group on Arbitrary Detention reported June 24 that 90 percent of cases that went through court concluded in plea bargain arrangements "with minimal intervention from judges." The Council of Europe reported that lawyers, instead of working towards their clients' acquittal, often advised them to plea-bargain for a reduced sentence.

According to the Supreme Court, the use of plea bargaining increased from 80 percent of cases in 2010 to 88 percent in 2011. During the year observers remained concerned about the potential lack of fairness and transparency in the implementation of plea bargaining. For example, in an April resolution, the Parliamentary Assembly of the Council of Europe noted "questions raised about the increasing frequency of plea bargaining." The resolution recommended that officials address such concerns "as they affect public trust in the fairness of the justice system." Experts agreed that the core problem was not in the law but in the law's application, as reported by Transparency International/Georgia in a December 2010 report. While noting the benefits of plea bargaining, including increased efficiency and cost savings in the court process, providing relief to overcrowded prisons, and in fighting organized crime and corruption, Transparency International/Georgia raised significant concerns about the fairness of the system, highlighting the imbalance between the powers of the prosecution and the judiciary and the system's lack of transparency in the application and collection of fines. There are no explicit criteria for calculating fines, and during the year NGOs alleged that defendants facing equal charges frequently received very different sentences according to their ability to pay.

Political Prisoners and Detainees.—Several NGOs, opposition parties not represented in parliament, and family members alleged that the government continued to hold political prisoners and detainees. Their estimates of the number varied, with NGO estimates in the dozens. The government, NGOs, and opposition leaders disagreed on the definition of a political prisoner. The public defender did not name any political prisoners or detainees in his 2010 report and received no requests for assistance regarding political prisoners in 2011. The parliamentary Human Rights Committee disagreed with assertions that the government held political prisoners.

The Council of Europe's commissioner for human rights, Thomas Hammarberg, reported in June that most individuals on lists of persons considered to have been

sentenced on political grounds had participated in opposition protests held in November 2007 and spring 2009. Raising concerns about the fairness of their trials, Hammarberg noted that he received "a considerable number of credible allegations and other information indicative of serious deficiencies marring the criminal investigation and judicial processes in a number of criminal cases against opposition activists. This casts doubt on the credibility of the charges retained and on the final convictions."

The government permitted international and domestic organizations to visit persons claiming to be political prisoners or detainees, and some organizations did so during the year.

Regional Human Rights Court Decisions.—During the year the ECHR ruled against the government in three cases involving alleged violations of the European Convention on Human Rights. According to the Ministry of Justice, authorities paid compensation in two of the cases by year's end.

NGOs reported pressure on individuals to withdraw their applications to the ECHR, a development that the Human Rights Center described as a new trend during the year.

Civil Judicial Procedures and Remedies.—The constitution provides for an independent and impartial judiciary in civil matters, but there were concerns about the professionalism of judges and transparency in their adjudication. The constitution and law stipulate that a person who suffers damages resulting from arbitrary detention or other unlawful or arbitrary acts, including unlawful human rights violations, is entitled to bring a civil action. Individuals have the right to appeal court decisions involving the alleged violation of human rights by the state to the ECHR after domestic avenues of appeal have been exhausted.

Property Restitution.—GYLA reported several cases in which it offered legal assistance during the year to groups that claimed the government improperly used eminent domain to seize property in Tbilisi at unfairly low prices, particularly associated with the Tbilisi Railway Bypass Project. In addition there were concerns about the lack of due process and respect for the rule of law in a number of property rights cases. NGOs reported the government created artificial barriers for local residents seeking to register property (historically owned by their families for generations but not documented) in Svaneti and selectively allowed government sales or registration of the same land by developers. Transparency International/Georgia reported that the government had begun compensating land owners in the region by year's end, although only a small percentage had received compensation. GYLA and other NGOs also associated the creation of tourist zones in early 2011 with illegal revocation of historic ownership rights in Svaneti, Anaklia, Gonio, and Black Sea-adjacent territories.

In Abkhazia the de facto law prohibits property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby depriving internally displaced persons of their property rights in Abkhazia.

In a December 2010 decree, South Ossetian de facto authorities invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property held in the Akhalgori region. The decree also declared that all property in Akhalgori belongs to the de facto authorities until a "citizen's" right to that property is established in accordance with de facto legislation, effectively denying displaced ethnic Georgians of their property rights in the region.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions without court approval or legal necessity and prohibit police from searching a residence or conducting undercover or monitoring operations without a warrant. However, these prohibitions were not always respected.

NGOs continued to report that police conducted searches without first obtaining warrants. NGOs reported that police often obtained warrants after the fact and many citizens were unaware of their right to delay a search of their home by one hour to summon two objective third-party witnesses to the search. Under the law, if authorities conduct a search or seizure without a warrant because of urgency, they must apply for the warrant within 24 hours of the search; otherwise, the evidence collected is considered invalid. According to GYLA, these warrants are almost always approved.

During the year some opposition figures and NGOs expressed concern about government surveillance. They alleged that surveillance included monitoring of e-mails and cellular telephones and surveillance from private cars by officials they believed to be from the Ministry of Internal Affairs.

Reports that tax authorities targeted specific companies and persons for searches for political reasons decreased in 2011 due to reforms at the Revenue Service (see section 4).

There were several reports that relatives of union or opposition party members were harassed, demoted, dismissed from employment, or arbitrarily arrested (see sections 1.d. and 7). Throughout the year members of NGOs and individuals reported arbitrary harassment, job loss, and arrest that they alleged were related to the activities of family members. For example, on September 16, Asmati Kangoshvili, a teacher, former journalist, and member of the Chechen diaspora community in the Pankisi Gorge region, was arrested for alleged possession of drugs. Witnesses claimed that neither she nor her home was searched before her arrest and believed that the small amount of drugs allegedly found on her person was planted by police. Local townspeople, her students, and relatives believed her arrest was related to suspected criminal activity by her brothers and cousin. On September 19, she was fined 5,000 lari (approximately $2,980) and released. No further action was expected in the case.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Separatist conflicts in the regions of Abkhazia and South Ossetia remained unresolved. While the security situation stabilized to the point that no military conflict was reported in the areas, other incidents of violence were reported.

Human Rights Watch reported that more than two years after the 2008 conflict, the Georgian government had not effectively investigated international human rights and humanitarian law violations committed during the conflict.

While there was little official information on the human rights and humanitarian situation in Abkhazia and South Ossetia due to limited access to these regions, many allegations of abuses persisted. The EUMM facilitated conflict resolution (including conflicts involving human rights problems) among Georgian, Russian, and de facto authorities in the occupied regions by regularly patrolling near the conflict areas and facilitating contacts among the sides in the framework of the Incident Prevention and Response Mechanisms (IPRMs). However, despite the 2008 ceasefire agreement's provisions, the EUMM was denied access to the occupied regions. Patrols could be conducted only on the undisputed Georgian side of the administrative boundary lines.

The Gali region of Abkhazia, where many ethnic Georgians live, remained tense because of limitations on freedom of movement, as well as reports of kidnapping, arbitrary arrests, and deaths in custody. There were numerous reports of extortion, looting, and robbery by Russian and Abkhaz de facto forces and criminal gangs, especially during the harvest season when local farmers regularly faced extortion of a portion of their income. Russian military forces and de facto militias limited the ability of international observers to travel in Abkhazia to investigate claims of such abuses. Russian military forces and de facto militias did not allow access to South Ossetia.

Killings.—On June 28, the Tbilisi City Court found 15 persons guilty of terrorism in connection with three explosions in Tbilisi in 2010, killing one woman. An Abkhazia-based Russian military officer, Yevgeny Borisov, was sentenced in absentia to 30 years in prison; ethnic Georgian Mukhran Tskhadaia, based in Gali, was sentenced in absentia to life imprisonment; and a second Gali-based ethnic Georgian, Melo Tskhadaia, was sentenced in absentia to 30 years in prison.

Abductions.—During the year there continued to be reports of abductions along the administrative boundaries of both occupied regions.

Government and Abkhaz commissions on missing persons reported that nearly 2,000 Georgians and Abkhaz remained missing as a result of the 1992-93 war in Abkhazia; the ICRC began chairing a new coordination mechanism during the year between Georgian and Abkhaz participants aiming at clarifying the fate of these individuals. South Ossetian de facto authorities reported that 116 persons were still missing from conflicts in 1991 and 2008. The ICRC continued to assist authorities to inform the families of the whereabouts of missing relatives.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press; however, there were credible reports that the government restricted freedom of speech and press.

Freedom of Speech.—Individuals were generally free to criticize the government publicly and privately without reprisal, although there were some notable exceptions. Some individuals told foreign monitors they were reluctant to discuss, or had stopped discussing, sensitive topics by telephone due to concern about government telephone tapping. NGOs reported that a lack of investigation for harassment of

human rights defenders diminished dissenting voices and watchdog groups, especially outside of Tbilisi. They also claimed that the government used the legal process to silence critical voices.

Freedom of Press.—Although independent media were active and expressed a wide variety of views, direct or indirect government influence over media outlets remained a concern. According to Transparency International Georgia's Georgia National Integrity System Assessment for 2011, while "the country has mostly progressive and liberal laws governing the establishment and operation of media entities, in practice the media remain less transparent, accountable, and independent." While print media frequently criticized senior government officials during the year, some individuals affiliated with newspapers reported facing pressure and intimidation for doing so. Few newspapers were commercially viable. According to Transparency International's 2011 Georgian Advertising Market report, opposition-oriented print media struggled to attract advertisements due to limited circulation and reported government pressure on businesses. Batumelebi, an independent local newspaper in Batumi, stated that one potential advertiser cancelled after being told by government officials to do so. Patrons in politics and business typically subsidized newspapers, which were subject to their influence. Journalists reported distribution of print media was further hampered by the establishment of a new kiosk chain in Tbilisi, replacing old kiosks which primarily distributed newspapers. Licenses to rent the new kiosks were largely auctioned to companies selling fast food, cigarettes, and lottery tickets because smaller newspaper distributors could not match their bids.

Television was the most influential medium and the primary source of information on current events for more than 80 percent of the population. The three largest television broadcasters were the state-owned Georgian Public Broadcaster (GPB) and the privately owned Rustavi-2 and Imedi TV, the country's two most popular stations. All three reportedly had close ties to the government, generally had a progovernment editorial policy, and were the largest providers of coverage on a national level. Pro-opposition stations Kavkasia and Maestro expressed views more critical of the government, but their audience was concentrated in Tbilisi, which constituted 26 percent of the country's population.

A December report on the Georgian advertising market by Transparency International Georgia stated "the fact that a number of key companies are controlled by relatives or close friends of current government officials or former high-level government/ruling party members raises not only questions about conflicts of interest, but also about competitiveness and political independence.." The report also noted that the head of the Georgia National Communications Commission (GNCC), charged with regulating electronic communication, owned a major advertising agency, which represented a direct conflict of interest.

On April 8, parliament amended the law on broadcasting to provide for transparency of media ownership. The amendments prohibit ownership of broadcasters by offshore-registered firms; require broadcasters to submit an annual revenue breakdown to the GNCC; require the GNCC and broadcasters to make ownership information publicly available on their respective Web sites; and require the GNCC and broadcasters to align ownership structures with the new requirements by January 2012, when the amendments are scheduled to go into effect. The GNCC created a Web site where media ownership information was published and forms and databases were available to collect information on media revenues. By year's end all major television broadcasters had provided the GNCC with ownership information. Broadcasters were required to provide information on revenues by February 2012.

Violence and Harassment.—There were reports during the year of the physical and verbal assault of journalists by police, confiscation of journalists' cameras by authorities, and intimidation of journalists by government officials due to their reporting. Journalists affiliated with pro-opposition media outlets reported unequal access to government buildings, anonymous telephone threats, and surveillance by unknown people while covering stories.

GYLA reported that security force members injured 24 journalists while dispersing the May 26 protest. The public defender noted that police fired rubber bullets at journalists, verbally and physically abused them, and impeded their work. In many cases mistreatment occurred after journalists presented press credentials to police. GYLA reported nine incidents of illegal seizure of professional equipment from journalists. Journalists alleged that authorities damaged other equipment, and destroyed or erased photographic, video, and audio material. On December 26, the Tbilisi City Court ordered the Ministry of Internal Affairs to reimburse journalists and media organizations 2,302 lari ($1,370) for lost or damaged camcorders and medical treatment for injuries sustained during the May 26 protest.

On July 7, authorities arrested four photographers on charges of spying for Russia but subsequently gave them suspended sentences in a pretrial plea bargain. Media and advocacy groups questioned the lack of transparency and overall handling of the case, in particular how suspects for a crime as serious as espionage could be given suspended sentences. The government responded that the level of cooperation provided by the photographers in identifying other persons engaged in espionage was the basis for the lenient sentence. The lack of government transparency led more than 40 reporters to claim the photographers were targeted for either taking or publishing graphic photographs of police dispersing the May 26 protest. The Ministry of Internal Affairs asserted that recorded wiretaps and taped confessions substantiated the espionage charges. The watchdog group Coalition for Media Advocacy noted that the arrests and lack of transparency in the case triggered a sense of insecurity among the media.

The Revenue Service released information regarding the tax amnesties granted to all television stations in 2010. Progovernment station Rustavi 2, GPB, and independent, Batumi-based station TV25 were the major beneficiaries of the amnesty because they had the highest debt levels.

Censorship and Content Restrictions.—Throughout the year NGOs, independent analysts, and journalists accused high-ranking government officials and opposition politicians of influencing editorial and programming decisions through their personal connections with news directors and media executives and by directing advertising using their personal connections with business owners. Transparency International Georgia's National Integrity System Assessment for 2011 noted that the government "is generally understood to have established control over the country's most influential television stations through their acquisition by government-friendly businessmen, forcing journalists employed by these stations to practice self-censorship."

The International Research and Exchanges Board's Media Sustainability Index 2011, which covered 2010, again reported that partisanship pervaded the news industry. Mainstream television broadcast progovernment content, while smaller outlets promoted opposition viewpoints.

The GNCC issues broadcast licenses as either a "general license" for news and political programming or an "entertainment only" license that strictly limits content, thereby giving the commission substantial control over programming. In 2011 the GNCC began issuing licenses for the first time since 2008. By law the GNCC must issue licenses according to public interest surveys. According to a survey by Tbilisi-based BCG Research published on March 4, Georgian viewers preferred entertainment shows over news programs. Media analysts noted that these findings were inconsistent with survey information from the Caucasus Research Resource Center. The GNCC issued or renewed 25 broadcast licenses in 2011, including several licenses to outlets considered pro-opposition.

Journalists said they self-censored reporting that did not reflect the media owners' views out of fear of losing their jobs. Authorities also reportedly intimidated journalists into censoring their reports. Gela Mtivlishvili reported that a former prosecutor threatened him by e-mail regarding his reporting. The public defender recommended opening an investigation into the report. Opposition party representatives and media advocates reported that they believed journalists either did not cover or lightly covered events that showed the government in a negative light out of concern that critical pieces would not be aired or could potentially cost them their jobs.

Nongovernment Impact: In November a conflict between the owners of opposition Maestro TV and its managing firm temporarily severely limited Maestro's broadcasting capability and disrupted all news programs. The channel was one of the country's few independent broadcasters, and disruption of its regular programming was a source of concern for civil society.

Media in the separatist regions of South Ossetia and Abkhazia remained tightly restricted by de facto authorities and Russian occupying forces.

Mari Otarashvili, a journalist for the independent Rezonansi newspaper, reported the Georgian governor (in exile) of the Akhalgori region, Zurab Pitskhelauri, threatened her, attempted to blackmail her, and advised her to write her articles "correctly" on several occasions during the year. Otarashvili was one of the few Georgian journalists reporting in occupied South Ossetia with the permission of de facto authorities, and her reporting was often critical of local government officials.

Internet Freedom.—Outside of Abkhazia and South Ossetia, there were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. However, amendments to the Law on Operative-Investigative Activity, adopted in November 2010, oblige communication companies to make private information available for government investigations, providing

law enforcement officials with access to private e-mails, chat rooms, and open and closed conversations on the Internet.

Insufficient information was available about Internet freedom in the occupied territories.

Academic Freedom and Cultural Events.—There were no government restrictions on cultural events. There were reports of academic appointments and dismissals due to political affiliation. Education experts questioned the promotion of several school "mandators," hired directly by the Ministry of Education to maintain school security, to positions in school resource centers and as principals.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly. Authorities routinely granted permits for assemblies during the year. However, the government's respect for this freedom was mixed, and authorities forcefully dispersed several protests. Human rights organizations expressed concerns about provisions in the law, including prohibitions on demonstrations by one person or by noncitizens, and a requirement that political parties and other organizations give prior notice and obtain permission from local authorities to assemble on a public thoroughfare five days in advance, thereby precluding spontaneous demonstrations.

The law governing administrative offenses prohibits the blocking of streets "artificially" and "deliberately," either by protesters themselves or with "various types of constructions and/or objects." The maximum prison term for a number of administrative offenses—including these actions—is 90 days. In contrast, under the criminal procedures code, pretrial detention for criminal charges is 60 days. Authorities amended the Law on Public Assembly and Demonstrations on July 1 to allow courts to prohibit rallies within 65 feet of court buildings and give state agencies and ministries the power to do the same.

The law allows police to use nonlethal projectiles for riot control, and law enforcement officials on occasion used excessive force against protesters. NGOs noted the excessive use of force by police, including attacks on journalists and protesters who were not resisting arrest, and lack of transparent investigations had a dampening effect on freedom of assembly. For example, on January 3, police dispersed demonstrators holding a nonviolent hunger strike in Heroes Square, used excessive force against peaceful onlookers, and detained 11 persons on improper charges. The 11 detainees were charged with petty hooliganism and disobeying police orders. The public defender's investigation concluded that at the time of the arrests, the protesters were in compliance with the law and that there was no evidence to support the charges. The investigation corroborated witnesses' version that police used excessive force to illegally terminate the protest. The report noted that video footage showed plainclothes police officers detaining protesters without presenting any form of documentation. In one case the wife of a protester was punched in the face by a plainclothes officer. A Ministry of Internal Affairs internal investigation resulted in the dismissal of one officer, and ministry officials reported the victim received 8,000 lari ($4,760) in moral damages in a subsequent lawsuit.

Five days of protests turned violent on May 26, when police forcefully dispersed approximately 1,000 protesters in front of the parliament building when their permit expired. The confrontation occurred after protest leaders declined the government's request to move to a different venue in order to clear the road for the Independence Day parade scheduled for May 27 and blocked the main street with barricades. The protesters, some of whom came armed with sticks, metal pipes, and Molotov cocktails, ignored warnings from municipal officials that force would be used to clear the area if they did not voluntarily disperse. Police beat, arrested, and shot protesters and journalists in the vicinity with rubber bullets. Some police also failed to display identification numbers, making accountability difficult. Two persons—one protester and one police officer—were killed, reportedly by the vehicles of the protest leaders as they left the area at high speed, and two other protesters were found electrocuted on a nearby rooftop. Dozens of protesters were injured, and GYLA estimated that authorities detained 160 persons. Observers noted that the government had a legal right to clear the protest while agreeing that certain police, mainly from special force units, employed disproportionate force.

Freedom of Association.—The constitution and law provide for freedom of association. However, the government's respect for this right was selective in practice. There were some allegations during the year that members of trade unions and opposition parties and their families and associates were selectively targeted for prosecution by law enforcement agencies and were subjected to stricter penalties than other citizens upon conviction. There were also allegations of pressure on opposition figures, NGOs, teachers, and union members, including surveillance and actual or threatened job loss (see sections 3 and 7).

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation for Georgian citizens, but this freedom was limited in practice in Abkhazia and South Ossetia by de facto authorities and Russian occupying forces. The government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Georgian law imposes limitations on foreigners moving into and out of Abkhazia and South Ossetia. It also imposes special requirements on persons conducting economic activities in the occupied regions. There were no reports that Georgian authorities unduly restricted any international humanitarian organizations. Russian and Abkhaz de facto authorities limited international organizations' ability to operate in Abkhazia. Russian and South Ossetian de facto authorities blocked virtually all international organizations, including humanitarian organizations, from regular access to South Ossetia.

De facto authorities and Russian forces in the occupied regions of Abkhazia and South Ossetia restricted freedom of movement, restricting the free movement of the local population across the administrative boundary for medical care, pension services, religious services, and education. Checkpoints operated by Russian border guards and de facto militia often obstructed citizens' movement within these regions and between these regions and areas controlled by the Georgian government. Although Abkhaz de facto authorities maintained that the administrative boundary with the rest of Georgia was officially closed, they allowed limited crossings at the Rukhi Bridge. In July 2010 they introduced a permit system that formalized a process of granting permission to cross the boundary for 100 Russian rubles ($3) for a single trip. South Ossetian de facto authorities allowed limited crossings in and out of the Akhalgori region, whose remaining inhabitants are primarily ethnic Georgians. International observers were able to gain limited access to Abkhazia, but only a small number gained occasional and extremely restricted access to South Ossetia. South Ossetian de facto authorities continued to refuse humanitarian access to most international organizations, including the UNHCR.

In September 2010, according to media reports, South Ossetian de facto authorities announced that ethnic Georgian residents of the region would face restrictions, such as a fee to cross the administrative boundary, unless they obtained South Ossetian "passports." This requirement had not taken effect by year's end.

An Abkhaz "citizenship" law allows dual Russian-Abkhaz but not dual Georgian-Abkhaz "citizenship." Ethnic Georgians living in Abkhazia were required to acquire Abkhaz "citizenship" to open businesses, establish bank accounts, vote in elections, run for office, travel freely, or own property.

Internally Displaced Persons (IDPs).—The UNHCR estimated that there were a total of 270,528 IDPs from the conflicts in 1992-93 and 2008 in the country during the year. The UNHCR estimated that of the approximately 127,000 individuals displaced as a result of the 2008 conflict, essentially all those who had applied for assistance received a durable solution in undisputed Georgian territory by the end of the year. Additionally, as of December the UNHCR counted 128,864 persons as being in an "IDP-like" situation needing protection and humanitarian assistance. This number included individuals who returned to Abkhazia, South Ossetia, and areas adjacent to the administrative boundary with South Ossetia and Abkhazia as well as those displaced in the 2008 conflict who were subsequently relocated.

By year's end most IDPs displaced in 2008 had received formal IDP status under national legislation. However, IDP status was not established for some individuals who claimed to have been displaced in the 2008 conflict. These individuals, described by officials as "IDP status seekers," included persons who had never been registered with Georgian authorities, such as persons who had never been registered at birth or were displaced from regions that prior to 2008 were not under Georgian control, persons whose departure from South Ossetia could not be established as having been caused by the conflict, or persons who could not prove their former residence in the occupied territories. These included, in particular, some persons who may own property in the Akhalgori region of South Ossetia but may have moved for economic, educational, or other reasons prior to the conflict. As there was some seasonal movement of persons to and from Akhalgori, it was at times difficult to establish where an individual was settled at the time of the conflict. Various agencies, including the government, UNHCR, and NGOs, employed different methods in estimating the number of IDPs.

During the year IDPs from the 2008 conflict continued to receive assistance, including a monthly, status-linked cash payment from the government, as well as some help from the international donor community. The Ministry for IDPs from the Occupied Territories, Refugees, and Accommodations continued to provide for IDPs and promote their socioeconomic integration and create conditions for their return in safety and dignity. The government took steps during the year to rehabilitate, purchase, or build new housing or offer cash payments in lieu of providing housing to IDPs from the conflicts in the early 1990s and 2008. Such steps resulted in improved housing for 4,734 IDPs. The government moved from a reactive approach (getting as much housing up as quickly as possible) to a long-term solution approach (providing durable solutions to IDPs from both conflicts). More than 6,000 IDP households, primarily those displaced in conflicts in the 1990s, nonetheless continued to live in substandard or squalid buildings and were in areas with insufficient access to services and economic opportunities.

The government continued to work to provide adequate permanent housing for all IDPs, although the needs of IDPs far exceeded the resources available. In December 2010 the government estimated it would cost approximately 585 million lari ($348 million) to provide adequate shelter for all IDPs in the country. During the year the government undertook a broad review of its IDP action plan in consultation with the UNHCR, donors, and international protection NGOs.

After a series of controversial IDP evictions in June-August 2010, the Ministry for IDPs from the Occupied Territories, Refugees, and Accommodation and the UNHCR, in consultation with international organizations and donors, updated government procedures to provide for eviction of IDPs from shelters in a manner consistent with humanitarian standards. For example, the updated procedures require providing IDPs at least 10 days' notice of their removal and clear information regarding alternative housing options. In January 535 IDP households were evicted from 19 "temporary shelters" in Tbilisi using the new procedures. UNHCR protection staff reported that the evictions took place relatively peacefully with minor scuffles at two sites, one of which resulted in arrests. International and civil society organizations criticized government missteps in the execution of the evictions, in particular some limitations that were placed on access by international monitors. Few evicted IDPs accepted the government's offers of housing outside of Tbilisi but rather appeared to have found accommodations in the capital on their own.

In July and August, authorities evicted an estimated 100 IDP households from sites in central Tbilisi. These included both illegal "temporary shelters" and registered and legal collective centers in which IDPs had rights of occupancy under the law. The government's legal basis for evicting IDPs from their registered accommodations was not clear. According to the law, IDPs shall not be "expelled from a legal residence without compensation" that allows them to secure housing comparable to the housing from which they were evicted. Some local advocacy organizations asserted that the compensation offered by the government was insufficient to meet this standard, and at least one civil suit by an evicted IDP was pending before the courts at year's end.

Abkhaz de facto authorities continued to prevent repatriation of the approximately 235,000 persons displaced by the 1992-93 war, despite their 1994 agreement with Georgia, Russia, and the UNHCR, which called for the safe, secure, and voluntary return of IDPs who fled during the war. Approximately 45,000 of these IDPs, many working as seasonal laborers, returned to the Gali and Ochamchire regions of lower Abkhazia, but Abkhaz de facto authorities refused to allow the return of IDPs to other regions of Abkhazia. IDPs living elsewhere in Georgia were prevented from reclaiming homes in Abkhazia, based on a 2008 "law" that expropriated all "abandoned property" from 1992-93.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Temporary Protection.—The government provided temporary protection to individuals who may not qualify as refugees. Two Russian soldiers who defected to Georgia from South Ossetia in 2009 remained in the country with protected status as asylum seekers at year's end. In both cases the government assisted the applicants with temporary protection while they applied for asylum. Neither asylum case was resolved by year's end.

Stateless Persons.—The law provides citizenship at birth if one or both parents are citizens. It also gives citizenship to children of stateless individuals born on the country's territory. The law provides that an adult may become a citizen if he or she satisfies the following requirements: (a) has been permanently residing on the country's territory during the previous five years; (b) knows the state language; (c)

is familiar with its history and laws; and (d) has a job or owns real estate on the country's territory, conducts business, or owns shares in a Georgian company or industry. A person seeking naturalization is expected first to give up any previous citizenship.

According to December 2010 government statistics, 1,987 de jure stateless persons were identified and registered by the authorities. The UNHCR and government's aligned figure for the number of stateless individuals was 1,781. Due to delays in issuing birth certificates and other documentation problems (especially among minority communities), the actual number of stateless persons in the country was believed to be higher. Some were believed to be Chechens who volunteered for repatriation to Russia but were rejected because they were never registered in Russia and did not have documented Georgian citizenship. This confusion was compounded for persons who lived in the occupied territories.

Children lacking birth certificates were unable to participate in social aid or educational programs. Often children were not registered because their parents had no documentation. The UNHCR identified 9,931 persons living throughout the country as lacking necessary documentation. At year's end more than 63 percent of these had received free legal aid, assistance in obtaining documentation to establish their birth, confirmation of their right to Georgian citizenship, and identity papers.

The Civil Registry Agency (CRA) had four offices to register IDPs and issue documents to those lacking them due to the destruction of the national archives on the South Ossetian side of the administrative boundary. In 2008 the CRA counted 2,500 IDPs without documentation, of which approximately 1,700 were assisted through the NGO Legal Development and Consultations Group and the agency.

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

The constitution and law provide citizens with the right to change their government peacefully. However, the government's record in the conduct of presidential and parliamentary elections in 2008 was mixed.

Elections and Political Participation.—Recent Elections.—International observers found presidential elections in January 2008 consistent with most Organization of Security and Cooperation in Europe (OSCE) democratic election commitments. However, there were significant problems, including widespread allegations of intimidation and pressure, flawed vote-counting and tabulation processes, and shortcomings in the complaints and appeals process. These and other problems also marred parliamentary elections in May 2008, which OSCE observers concluded were uneven and incomplete in their adherence to international standards.

According to the OSCE election observation mission, while the May 2010 municipal elections marked progress towards meeting OSCE and Council of Europe commitments, there were still significant shortcomings, including deficiencies in the legal framework and its implementation, an uneven playing field for candidates, and isolated cases of election-day fraud. Observers reported a variety of violations including instances of likely ballot box stuffing, cases of multiple voting, proxy voting, and series of seemingly identical signatures of voters on voters' lists. The observers also noted procedural violations in one-fifth of the vote counts and one-fourth of the vote tabulations they monitored. The OSCE mission received allegations of violations from opposition parties and NGOs, including reports of pressure on opposition candidates to withdraw. NGOs and opposition parties reported that supervisors pressured government employees to vote for and donate to the ruling party with the implication that failure to do so might result in a loss of employment. The OSCE also reported allegations that businesses were reluctant to donate to some opposition parties due to fear of reprisals. The OSCE mission noted that election materials were available in minority languages but not in all areas inhabited by minorities.

The Ministry of Justice reported five election commission members were charged and convicted of election fraud or election interference in various regions of the country for acts committed during the 2010 municipal elections. In most cases election results for the districts were annulled. The investigation of several cases in Mestia continued.

In preparation for 2012 parliamentary elections, parliament adopted a new electoral code on December 27 which incorporated many recommendations from NGOs and the Venice Commission. The new code provides that any party that receives 5 percent of the total vote would win at least six seats in parliament and be accorded a parliamentary faction and corresponding privileges, prohibits the use of administrative resources for political purposes, improves postelection complaint procedures, reduces residency requirements for candidates for parliament, requires media to treat candidates equitably, and provides financial incentives for parties to increase the number of women on their parliamentary lists. The code also provides for the

establishment of a commission to address pre-election complaints beginning in July 2012. However, the new code fails to address the Venice Commission's primary recommendation to strengthen the equality of the vote by reconstituting single mandate election districts to be comparable in size.

Political Parties.—There are no legal restrictions on political party formation beyond registration requirements, and the electoral code adopted in December allows an individual to run for office without party affiliation. However, members of some organizations linked to the political opposition asserted that they were unduly singled out for harassment and prosecution. Members of some opposition parties reported threatening calls warning them to refrain from party participation and surveillance by local police from unmarked cars. An NGO reported being filmed while entering a hotel conference room to meet with an opposition party. Opposition party members also alleged teacher dismissals due to party affiliation.

After billionaire Bidzina Ivanishvili announced in October that he intended to establish an opposition political party to compete in the 2012 parliamentary elections, there were reports that government officials targeted individuals and businesses associated with him for politically motivated harassment. In one illustrative example, materials imported by Ivanishvili for business and political purposes were repeatedly and inexplicably found to be damaged following their release from customs. Moreover, representatives from Ivanishvili's Cartu Group reported the percentage of their imports delayed by additional inspection increased from 10 percent to 100 percent since Ivanishvili entered politics. An independent monitoring company contracted by Cartu Group confirmed that Cartu imports were undamaged prior to customs entry and damaged after customs released the cargo.

Pursuant to Article 32 of the Law on Citizenship, the government canceled the Georgian citizenship of Ivanishvili and his wife, Ekaterine Khvedelidze, on October 11, several days after Ivanishvili publicly acknowledged possessing French citizenship while declaring his intention to renounce it. Article 32 provides that a person loses his or her Georgian citizenship if he or she acquires another citizenship. Both Ivanishvili and Khvedelidze challenged their loss of citizenship in court. In a December 27 decision, the Tbilisi City Court found that the government had overreached in the case of Khvedelidze, since she had acquired her Georgian citizenship after her French citizenship, and annulled the government's order revoking her Georgian citizenship. The court upheld the government's decision in the case of Ivanishvili, who had acquired his Georgian citizenship before his French citizenship. Ivanishvili's appeal of the court's decision was pending at year's end.

Opposition-linked individuals and organizations continued to report pressure on potential donors. On December 28, parliament amended the Law on Political Unions to regulate campaign and political party financing. The amended law prohibited corporate donations to political parties and provision of money, goods, or services to voters by parties; required all financial contributions to parties be made by wire transfer to ensure transparency; limited the overall amount a party can receive from public and private sources in a year to 0.2 percent of the country's GDP; and delegated financial oversight of party financing to the government's auditing agency, the Chamber of Control. However, local and international observers raised concerns about several amendments, including the vagueness of the criteria for determining political bribery and which individuals and organizations would be subject to the law.

Participation of Women and Minorities.—There were nine women in the 150-seat parliament. One of the seven vice speakers was a woman, as was the chair of parliament's procedural committee. There were three women in the 19-member cabinet and six women on the 19-judge Supreme Court.

According to the final OSCE report on the May 2010 municipal elections, women were underrepresented in leadership positions in the election administration as well as among the candidates for and members of city councils. However, they were well represented in lower-level election commissions. The OSCE mission found that many parties put forward candidates belonging to national minorities and that election materials were made available in minority languages, but not in all areas inhabited by minorities. The new electoral code provided financial incentives for parties to increase the number of women on their parliamentary lists, as recommended by the Venice Commission.

There were three ethnic Armenians and three ethnic Azeris in parliament, as well as one member of a minority in the cabinet. There were no members of minorities in the Supreme Court or Constitutional Court. Higher-level city managers included ethnic minority leaders.

The de facto authorities in Abkhazia continued to restrict the rights of citizens to vote and to participate in the political process through a "citizenship" law that

forced ethnic Georgians to give up their Georgian citizenship to vote or participate in regional elections. Even those ethnic Georgians willing to apply for Abkhaz "passports" generally did not receive them because of extensive delays and were, therefore, unable to participate. Ethnic Georgians in South Ossetia were also required to accept a South Ossetian "passport" and "citizenship" to participate in political life.

Abkhazia held de facto "presidential elections" in August, and South Ossetia did likewise in November. Neither contest was considered free and fair due to the large number of internally displaced persons who were prohibited from voting. In South Ossetia public concerns about the integrity of the election results, including a seemingly biased decision by the de facto "supreme court," led to public demonstrations and a political crisis that was settled through Russian mediation.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government implemented these laws effectively against low-level corruption. Several government officials were indicted on corruption charges during the year. According to survey data, less than 1 percent of Georgians reported paying a bribe in the previous year to obtain a public service.

Some officials were indicted on corruption charges during the year. In February seven officials from the Ministry of Health were arrested for misuse of office and misappropriation of state funds from a public healthcare insurance program. In August the mayor of Ozurgeti was charged with accepting a bribe and embezzling 180,000 lari ($107,000) from the city budget.

NGOs and independent media raised concerns about the government's close connection to some businesses and a lack of transparency in ownership structures and the conduct of bids. Transparency International/Georgia identified as among the most pressing concerns in 2011 the need to inject more transparency into the procurement system and privatization processes. For example, Transparency International and independent media outlets criticized as nontransparent the August auction of management rights for the Tbilisi television tower to a company, Golden Com, formed only a week prior to the auction. Golden Com was the only company participating in an abbreviated 11-day bidding period. Transparency International also noted insufficient transparency of internal auditing of municipal institutions and inadequate accountability for reserve funds linked to high-ranking officials. In other cases the government was reported to have used heavy-handed practices or leveled questionable fines against companies.

NGOs and members of the international community raised concerns regarding the government's handling of the case of two Israeli businessmen who won a 168 million lari ($100 million) arbitral award against the government and were subsequently arrested on bribery charges. The businessmen, Ronny Fuchs and Zeev Frankiel, were secretly filmed offering senior Georgian officials a multimillion dollar bribe to convince them to drop the government's appeal of the award. They were convicted of bribery but characterized their conviction as entrapment. According to their attorneys, the government offered to settle the bribery case if Fuchs waived his right to the arbitral award. In September Fuchs alleged that he had been harassed by prison officials. President Saakashvili granted both men a presidential pardon on December 2 after they negotiated a reduced settlement for the arbitration award.

During the year the government adopted some new measures to combat corruption, for example, introducing an electronic procurement system to make data of state agencies more transparent to citizens. Reforms at the Revenue Service, including the adoption of a new tax code, appointment of a new Revenue Service head, and creation of a business ombudsman, reduced the ability of Revenue Service officials to apply political pressure. Reports that businesses experienced oppressive and work-stopping audits decreased during the year. The transition to risk-based audits and the option for private audits reduced the perception of political abuse by the Revenue Service.

The Ministry of Justice took some steps during the year to curb bribery, prosecuting 69 public officials for accepting bribes, of whom 60 were convicted. In addition five public officials were convicted of paying a bribe. There were no convictions of officials for trading in influence or of judges or prosecutors for corruption-related offenses. The Ministry of Justice's Inspector General's Office actively enforced internal ethics and disciplinary rules in the Prosecution Service.

The law requires public officials to submit yearly declarations of their own and family members' financial incomes and property for tax inspection. The Bureau of Declarations received the financial declarations, and the Prosecutor's Office investigated government corruption cases.

The law provides for public access to government meetings and documents. In practice, however, the government sometimes did not provide access. According to 2010 Transparency International/Georgia field tests, agencies provided satisfying responses in 79 percent of cases. Although the law states that a public agency shall release public information immediately or no later than 10 days after receiving a request, agencies sometimes delayed release indefinitely. NGOs noted that a 100 lari ($60) fee for court information was burdensome and limited the ability to access information. In addition the freedom of information law restricts third-party access to information on cases involving the government in international courts.

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

Domestic and international human rights groups in most cases operated without government restriction, investigating and publishing their findings on human rights cases. Some NGOs enjoyed close cooperation with the government, and officials were cooperative and responsive to their views, while others complained they had insufficient access to government officials and their views were ignored. Some NGOs also reported instances of official harassment.

The major human rights problems that caused tensions between the government and NGOs during the year were the alleged mistreatment of prisoners, excessive use of force and subsequent lack of transparency in investigations relating to the May 26 protests, harassment of human rights defenders and journalists, the conduct of IDP evictions, and a lack of transparency in cases against journalists.

In a July 20 statement, the NGO Human Rights Center noted continued challenges to democratic freedom, citing increased use of police force to disrupt demonstrations, incidents of police intimidation of human rights NGOs, and pressure against media and civil society.

U.N. and Other International Bodies.—De facto authorities in Abkhazia allowed some international organizations, including several U.N. agencies, to operate there on a limited basis, but only the ICRC had a specific human rights mandate. De facto authorities in South Ossetia allowed no international organization except the ICRC to operate there on a regular basis, but a few organizations, including the Council of Europe and the OSCE, gained extremely restricted and intermittent access, also without a human rights mandate.

Government Human Rights Bodies.—NGOs continued to view the Public Defender's Office as the most objective of the government's human rights bodies. The constitutionally mandated office monitored human rights conditions and investigated allegations of abuse. The public defender's authority does not include the power to initiate prosecution or other legal actions, but he can recommend action, and the government must respond. The office generally operated without government interference and was considered effective. However, the public defender reported that the government often responded partially or not at all to inquiries and recommendations. Ministries which demonstrated patterns of partial, delayed, or nonresponses to requests for information included the Ministry of Correction and Legal Assistance, Ministry of Justice, Ministry of Defense, and Ministry of Internally Displaced Persons from the Occupied Territories, Refugees, and Accommodations.

The public defender has the right to make nonbinding recommendations to law enforcement agencies to investigate particular human rights cases. The public defender must submit an annual report on the human rights situation for the calendar year, but can make periodic reports as the office deems necessary. Government offices must respond to all requests for information from the Public Defender's Office within 10 days. The office may not report on torture unless the victim gives clear consent. De facto authorities in the occupied territories did not grant the office access to those territories. The parliamentary Committee on Human Rights and Civil Integration, the Ministry of Internal Affairs' Human Rights Division, and the National Security Council's human rights advisor had mandates to investigate claims of abuse.

By law the prosecutor general is charged with protection of human rights and fundamental freedoms. The Human Rights Unit of the Office of Chief Prosecutor monitored overall prosecution and supervision of compliance with national and international human rights standards. The unit reviewed statistical and analytical activities within the prosecution system and was responsible for considering and responding to human rights recommendations of national and international human rights institutions.

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

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status. However, the government did not always enforce these prohibitions effectively.

Women.—Rape and Domestic Violence.—Rape is illegal, but spousal rape is not specifically addressed by criminal law. Criminal cases of rape generally could be initiated only after a complaint by the victim. A first-time offender may be imprisoned for up to seven years; a repeat offender or perpetrator of rapes of multiple victims may receive up to 10 years' imprisonment. If the victim is, or becomes, pregnant, contracts HIV/AIDS, or is subjected to extreme violence, the sentence may be increased to 15 years. If the victim is a minor in any of these cases, the sentence may be increased up to 20 years. During the year investigations were initiated in 126 rape cases, compared with 118 in 2010. Observers believed many instances of rape were unreported due to the social stigma for victims and because police did not always investigate reports of rape.

Domestic and other violence against women was a problem. NGOs believed cases were underreported. According to statistics from the Ministry of Internal Affairs, 445 domestic violence cases were reported to police during the year.

Domestic violence is an administrative offense that is legally defined as a violation of the constitutional rights and liberties of one member of a family by another through physical, psychological, economic, or sexual violence or coercion. Domestic violence is not specifically criminalized. Authorities prosecuted perpetrators of domestic violence under criminal provisions, such as battery or rape.

The law allows victims to seek immediate protective orders from courts against domestic abusers and authorizes police to issue temporary restraining orders against persons suspected of abusing a family member. Restraining orders were issued in 56 percent of domestic violence cases reported to police during the year, and courts issued 52 protective orders. A court must approve a restraining order within 24 hours of a victim's application. Such orders prohibit the abuser from coming within 310 feet of the victim and from using common property, such as a residence or vehicle, for six months. A victim may request an unlimited number of extensions of a restraining order. Violation of a restraining order results in an administrative fine.

During the year the Ministry of Justice established a fully staffed and trained victim/witness coordinators program within the Chief Prosecutors Office to better provide services to victims of domestic violence and sexual assault. The goal of the program was to increase the number of victims willing to report assaults and follow through on their prosecution.

NGOs reported that police response to domestic violence calls and use of the national referral system for victims improved from 2010 due to training. During the year Tbilisi police patrol inspectors, regional police officers, and prosecutors received domestic violence-related training, as did police officers in eight other cities.

Local NGOs and the government jointly operated a hotline and shelters for abused women and their minor children, although space in the shelters was limited. There were two state-run and two NGO-run shelters for domestic violence victims. All adhered to the same standardized regulations and generally provided the same services. The total capacity of the shelters was 56 women. There were no facilities or support services available for men. There were some complaints that the hotline could not be called toll free from a cellular telephone. Shelters included crisis centers that offered domestic violence victims psychological, medical, and legal assistance. The State Fund, an interagency government department that works with NGOs on gender-based issues, reported that 1,140 consultations were conducted by telephone or in person during the year. The State Fund reported that the shelters hosted 36 women and 53 minor children during the year.

During the year the government/NGO Interagency Council on Gender-based Issues continued a public awareness campaign to publicize the domestic violence hotline, coordinate domestic violence training in partnership with the Prosecution Service and police, and maintain the two state-run domestic violence shelters.

Other Harmful Traditional Practices.—Kidnapping of women for marriage occurred in ethnic minority areas and communities, but was rare. Such kidnappings reportedly often were arranged elopements. Police rarely took action in these cases, although the law criminalizes kidnapping.

Sexual Harassment.—Sexual harassment against women in the workplace was a problem. NGOs stated that discrimination against women in the workplace existed, but instances were underreported. While the law prohibits sexual harassment, it was not effectively enforced, and authorities rarely investigated complaints. During the year investigations were initiated in seven cases related to sexual harassment.

Reproductive Rights.—Couples and individuals have the legal right to decide freely the number, spacing, and timing of their children. Information was accessible so families and individuals could make reproductive decisions free from discrimination, coercion, or violence.

Discrimination.—The law provides for the equality of men and women. However, it was not always implemented in practice. The 2010 Gender Equality Law provides for the establishment of a national women's council, enhancement of women's security, equality in the labor market, and strengthening of women's political participation. The law also introduced gender-responsive planning and budgeting on the part of the government. On May 5, parliament approved a National Action Plan on Gender Equality for the years 2011-13. The Public Defender's Office monitored gender equality cases.

Although some observers noted continuing improvement in women's access to the labor market, women remained primarily confined to low-paying and low-skilled positions, regardless of their professional and academic qualifications, and salaries for women lagged behind those for men. According to the World Bank's Gender Equality and Development 2012 report, during 2011 women in the country earned on average 60 percent as much as men engaged in similar work. As a result, many women sought employment outside the country.

Children.—Birth Registration.—The law provides for acquisition of citizenship by birth on the country's territory. It applies to children of stateless individuals. According to statistics from the U.N. Children's Fund (UNICEF), the births of 97 percent of children under the age of five were registered.

Romani children were usually born at home, and their parents frequently did not register their births with the government. Since official identification is required to receive medical treatment and other public services, the lack of identification and the reluctance of parents to apply for such services could deprive Romani children of access to medical and other services.

Education.—The quality of education fluctuated greatly between urban and rural areas and between Tbilisi and the regions. Children of noncitizens often lacked the necessary documentation for school registration, impeding registration in some cases. The quality of education in the occupied regions of Abkhazia and South Ossetia, outside of the government's control, was reportedly poor. In rural areas school facilities were often inadequate and lacked heating, libraries, and blackboards.

Child Abuse.—There were some reports of child abuse, particularly of street children, although there was no societal pattern of such abuse. According to the Ministry of Justice, 45 cases of rape, six cases of sexual abuse involving violence, and 26 cases of coercion into sexual acts involving minors were reported during the year.

In May 2010 a child referral mechanism was established to refer children who had suffered abuse to the relevant community and state services in coordination with stakeholders, including police, schools, and social service agencies. According to the Public Defender's Office, during the year 53 cases of abuse of children were reported, of which 14 involved physical abuse and 42 involved neglect and emotional abuse.

Child Marriage.—According to UNICEF data, 14 percent of women between the ages of 20 and 24 were married or cohabitating with a partner before they were 18 years old. The legal minimum age for marriage for both men and women is 18, although some exceptions were authorized at 16.

Sexual Exploitation of Children.—Commercial sexual exploitation of children and child pornography are punishable by up to three years' imprisonment. Street children and children living in orphanages were reportedly particularly vulnerable to exploitation. According to the Ministry of Internal Affairs, the number of cases was very small.

There is an explicit statutory rape provision that classifies sexual intercourse with a juvenile as rape. Other sexual crimes carry increased levels of punishment if the victim is a juvenile. The criminal code prohibits sexual intercourse with juveniles under the age of 16, provided the perpetrator is shown to be aware of the age of the victim. In such cases the penalty is a fine and/or incarceration for up to three years.

Displaced Children.—Difficult economic conditions contributed to the problem of street children, although the number was not considered to be high and decreased yearly. A study covering the period 2007-08 by the NGO Save the Children indicated that approximately 1,500 children lived and worked in the streets. The Ministry of Labor, Health, and Social Affairs operated a shelter in Tbilisi and, according to the Public Defender's Office, hosted 43 children during the year. The office re-

ported a lack of information about street children and noted inadequate resources were devoted to them. In November the government created an interagency committee composed of representatives of several ministries and UNICEF to better address issues of street children.

There were unconfirmed reports that police harassed street children. Patrol police routinely transferred street children to 24-hour care centers, which lacked resources for treatment and rehabilitation of children, many of whom were substance abusers or suffered from mental disorders.

The conflicts in Abkhazia and South Ossetia displaced thousands of children. Even before the conflicts, UNICEF reported that health services in both regions were scant, immunization rates were lower than elsewhere in the country, schools were deteriorating, and malnutrition was a serious problem.

Many orphanages were unable to provide adequate food, clothing, education, medical care, or facilities and often lacked heat, water, and electricity. According to government statistics, the number of institutionalized children decreased from an estimated 5,000 in 2000 to 440 during the year. The government began working in February 2010 to close or rehabilitate the remaining orphanages.

In an effort to replace large-scale orphanages with smaller scale foster parenting arrangements, 37 small group homes, run by specially employed foster parents and funded by the state and donor organizations, had been opened throughout the country, 20 of which became operational in 2011. By year's end the government had closed 10 of 20 large-size orphanages, and 144 children were reintegrated with biological families, 81 placed in foster care, and 200 placed in small group homes.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were no reports of anti-Semitic acts. The Jewish community was estimated to be 8,000.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. However, the government was not effective in enforcing these provisions. Discrimination, including social, educational, and employment discrimination, against persons with disabilities was a problem. Most schools did not provide appropriate educational services because of a lack of qualified instructors.

The law mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. However, very few public facilities or buildings were accessible, although notably the newly constructed presidential residence, the Ministry of Internal Affairs, Ministry of Justice, Ministry of Education, and Office of the Public Defender's buildings complied with the law.

There were nine major committees in the country that evaluated children with disabilities and assisted with their integration in schools. Approximately 200 schools became accessible during the year by providing access ramps and other facilities. During the year standards for day care centers for children with disabilities were developed and all centers were evaluated based on these standards. The evaluations revealed problems in the majority of centers, including poor quality of services, lack of adaptation of buildings to special needs, and poor access to learning materials. The Ministry of Education closed five boarding schools for children with disabilities and transferred students to inclusive education facilities during the year. However, families reported the ministry did not provide transitional costs, such as transportation, in many cases.

In the 2010 Situation of Human Rights and Freedoms in Georgia report, the Public Defender's Office noted that living conditions at institutions for persons with mental and physical disabilities were poor, including poor ventilation, lack of heat, lack of access to hygiene products, and poor nutrition. Patients who were admitted voluntarily were not allowed to leave of their own free will. The report noted a serious shortage of medical, psychological, and social rehabilitation services so severe that residents could not leave their rooms for years due to the unadapted environment and the lack of wheelchairs.

National/Racial/Ethnic Minorities.—Georgian language skills continued to be the main impediment to integration for the country's ethnic minorities; political, civic, economic, and cultural integration challenges also remained. The government took several steps to integrate ethnic minority communities through Georgian-language instruction, education, and participation in several programs seeking to promote civic, cultural, and economic integration of minorities. Access to higher education improved, as did transportation infrastructure to high minority population areas,

and several state agencies actively participated in civic integration programs. The European Commission against Racism and Intolerance (ECRI) noted in its June 2010 report that the government continued to provide Georgian-language instruction to members of ethnic minorities serving in the armed forces and police and had developed projects to teach tolerance and respect among students for other ethnic and religious groups. However, NGOs, the public defender, and governmental organizations continued to report instances of discrimination and violence against ethnic minorities during the year. The Public Defender's Office specifically mentioned lack of political participation and unequal access to employment and educational opportunities as persistent problems for minorities in its 2010 Situation of Human Rights and Freedom report.

Ethnic Armenians, Azeris, Abkhaz, South Ossetians, and Russians usually communicated in their native languages or in Russian in the areas where they were the dominant ethnic groups. The law requires that ethnic minority students learn Georgian as a second language. The government continued to provide education in the state language and minority languages in minority regions.

Many NGOs in minority regions stated that they saw an improvement during the year in the number of opportunities for Georgian-language instruction and in the quality of the classes. The government introduced new bilingual textbooks in 40 pilot public schools in minority regions. However, members of minority communities reported many students and some teachers were unable to understand some of the content because 30 percent of the text was untranslated Georgian. Members of the Muslim community also reported some texts treated historic religious accounts and figures disrespectfully. The public defender's Tolerance Center also received complaints from several ethnic minority families that some schools displayed Georgian Orthodox religious objects in schools. A letter addressed to the Ministry of Education from the Tolerance Center, requesting such objects be removed, received no response.

Students were able to take university entrance exams in minority languages and could take advantage of a program under which the government offered and funded one year of intensive Georgian language instruction and four years of university education for students who passed the entrance examinations in minority languages. The number of ethnic minority students enrolled in this program doubled during the year to 432. A quota system required that a minimum of 10 percent of all national university seats be allocated to Armenian and Azeri-speaking students. According to government statistics issued during the year, 245 Armenian, 185 Azeri, and two Abkhaz speakers were admitted to the public universities through the quota system.

Some minorities claimed that the law requiring all government officials to speak Georgian excluded them from participating in government. In addition some government materials distributed to the public were only available in Georgian. According to the Ministry of Reintegration, it translated all major legislative acts into Armenian, Azeri, and Russian.

The Zen School of Public Administration in Kutaisi provided courses specifically for students from minority areas and facilitated integration of future public servants from minority areas into Georgian society.

There was a significant surge in statements in the media against ethnic minorities following the July passage of a law allowing all minority religious organizations registered in Council of Europe countries to register as "entities of public law," a status previously accorded only to the Georgian Orthodox Church. NGOs reported that Georgian Orthodox clergy, some opposition party leaders, members of the academic community, and others made critical statements in the first few days following passage of the law. The public defender also criticized major NGOs working on minority rights for their allegedly weak response to the surge in hate speech following the adoption of this law. On July 28, the Tolerance Center hosted a roundtable on minorities and hate speech in media and public discourse.

In August authorities dismissed Robert Sturua, artistic director of the National Theater, for making statements considered to be xenophobic.

The Public Defender's Office reported that its investigation continued into allegations Vahagn Chakhalian was beaten in prison in 2010. Chakhalian was serving a 10-year sentence on charges of organizing a riot, hooliganism, and illegal purchase and possession of a firearm. An Armenian NGO alleged the arrest was politically motivated.

The law permits the repatriation of the Muslim Meskhetian population, a national minority group that Stalin deported in 1944. More than 5,800 Meskhetians had filed for repatriation by January 2010. More than 150 returned unofficially over the previous three years, quietly settling in Akhaltsikhe and Abastumani. As of year's end, 300 applications had been reviewed, but there were no official repatriations due to

the long and complicated process. According to the NGO Toleranti, due to the relatively small number of Meskhetians, there were no tensions with the local population.

The ECRI reported that Roma appeared to suffer from widespread societal prejudice and marginalization and noted that the government needed to do more to integrate Roma. During the year the European Center for Minority Issues estimated the Romani population at 1,500, with no more than 300 in any one location. The most recent census, conducted in 2002, reported the number of Roma at 472. Roma were found principally in the Tbilisi, Kutaisi, Kobuleti, Kakheti, and Sukhumi regions.

Ethnic Georgians living in the Gali district of Abkhazia had no legal access to education in the Georgian language. In practice, instruction in Georgian occurred, but with limitations. Teachers who did not speak Abkhaz instructed students in Georgian but were often harassed by Abkhaz de facto authorities, who also did not provide funding for teachers of Georgian. Local communities had either to pay for teachers themselves, make arrangements for teachers to cross from undisputed Georgian territory to teach, or send their children from Abkhazia for Georgian-language lessons. An increasingly strict boundary regime imposed by Russian border guards made the latter two alternatives more and more difficult. There were reports of Russian border guards detaining children attempting to cross the boundary for language lessons.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Social prejudices against lesbian, gay, bisexual, and transgender (LGBT) persons were strong, and the Georgian Orthodox Church strongly condemned same-sex sexual activity. During the year only two LGBT organizations worked openly because of extensive societal stigma against LGBT persons. Problems reported included incidents of police mistreatment, family violence, and verbal and physical societal abuse. Identoba, an LGBT advocacy and support NGO, reported victims of discrimination and violence were reluctant to report incidents to police for fear of disclosing their sexual orientation to family members and homophobic police reactions.

Identoba reported that in March several young LGBT persons were involved in an argument outside a bar in Tbilisi. When the police arrived to quell the dispute, the participants were transferred to a local police station and questioned. One participant reported that police used homophobic language and sexually harassed the detainees throughout the interrogation until they were released the next morning.

There was an unconfirmed report in September that three German tourists were beaten and thrown into a river in Tusheti after their hosts learned of their sexual orientation. However, no complaints were filed with the local police or the German embassy in Tbilisi, and no investigation was undertaken.

Other Societal Violence or Discrimination.—NGOs reported that social stigma resulted in individuals avoiding testing and treatment for HIV/AIDS. Some healthcare providers, particularly dentists, refused to provide services to HIV-positive persons. Individuals often concealed their HIV-positive status from employers for fear of losing their jobs.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The country's labor code allows all workers, including government employees, to form and join independent unions, protects the right to strike and bargain collectively, and prohibits antiunion discrimination. However, the law restricts the right of employees of law enforcement agencies, medical doctors, firemen, personnel of the Prosecutor General's Office, and the employees of certain ministries (for example, defense) to form and join unions and to strike.

Labor unions asserted that certain provisions of the labor code limit the mechanisms available to workers for the exercise of these rights. At least 100 members are needed for a trade union to be registered, a requirement considered unreasonable by the International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations. The AFL-CIO also noted that the law permits a court to suspend the activity of a trade union if the union stimulates social conflict, a provision susceptible to being misapplied to suspend legitimate trade union activity.

According to trade unions, the law did not establish a coherent process for commencing strikes. Strikes were limited to 90 days in duration and were permissible only in cases of conflict of rights, not conflict of interests. Workers generally exercised their right to strike in accordance with the labor code, but strikes were rare.

The law prohibits employers from discriminating against union members or union-organizing activities, and employers may be prosecuted for violations and forced to reinstate employees and pay back wages. However, the labor code allows

employers to terminate employment at will and without cause, providing a pretext to fire employees on discriminatory grounds or for union activism.

The government frequently did not respect these rights in practice or effectively enforce applicable laws. Approximately 10 percent of the employed population was unionized, a proportion that rose to more than 31 percent if persons categorized as self-employed were excluded. The principal association of unions is the Georgian Trade Union Confederation (GTUC), which represented unions in 22 sectors with more than 194,764 unionized workers. There were a few small unions for civil servants, agricultural workers, and artists, but they did not participate in the GTUC. Generally the union membership democratically elected union leaders.

Unions reported government interference in union activity in several areas, including instances of government harassment and intimidation, interference with collection of dues, and arbitrary dismissals. On September 15, three days into a strike at the Kutaisi Hercules Metallurgical plant, police detained 18-40 persons for allegedly blocking access to the factory. The detained strikers were held between three and six hours and were required to sign "protocols" before they were released. GTUC claimed that these were "pledges" promising never to strike or join a union. According to the Ministry of Internal Affairs, the protocol informed the strikers that elements of their actions were illegal.

The Public Defender's Office and GYLA both stated the dispersal of the strike and subsequent detention of strikers violated the law because the strikers acted in accordance with the law on public assembly and did not block access to the factory. GYLA alleged police obstructed their access to legal representation by denying that the strikers were in custody. The Public Defender's Office demanded an investigation by the Prosecutor's Office into the dispersal of the strike and detention of the strikers. The Ministry of Internal Affairs declined to investigate, responding that the strike was not dispersed, only 18 strikers were asked to sign the protocol, and no strikers were formally detained.

The government did not always protect the right to bargain collectively in practice. The practice of collective bargaining was not widespread, and employers are not obliged to engage in collective bargaining even if a trade union or a group of employees wishes to do so.

The government continued to interfere with unions' ability to collect dues. The government no longer permitted the Educators and Scientists Free Trade Union of Georgia (ESFTUG—the teachers' union), the National Railway Association Worker's Union, and the Health Care Workers' Union to deduct union members' dues from paychecks, a practice known as the check-off system. The government also prohibited the ESFTUG from collecting dues during union meetings in schools, leaving union members no choice but to electronically transfer dues, a process in which half of the dues were lost to bank transaction fees. The inability to collect dues seriously impaired the unions' ability to function.

ESFTUG and the Health Care Workers Union reported government interference with union activity during the year. ESFTUG reported that school "mandators" tracked which teachers were union members and alleged that teachers were dismissed due to union membership. The president of the Healthcare Workers Union reported that government officials in the Ministry of Health offered him alternative employment if he stepped down from his position as union president.

The GTUC and its national unions continued to report serious cases of management warning staff not to organize trade unions and employee dismissals for union activity. For example, in September, after workers at the Hercules metallurgical factory notified management that they had organized a union, the factory allegedly terminated six union board members. Workers subsequently held a warning strike, and 11 more workers were terminated. Ten days later the union began a full strike with participation by approximately 150 workers. Before and during the strike, management allegedly threatened workers who participated in the strike with dismissal. At year's end all but three workers had been rehired after reportedly promising never to participate in a strike again.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. However, there were reports that men and women were trafficked from and through the country for labor. There were no confirmed reports of foreign victims being trafficked to the country for forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—Child labor was uncommon, although the Public Defender's Office noted that one of the major deficiencies of the labor code was insufficient attention to the rights of minors. Although official data was not available, a 2007 survey estimated that 77.4 percent

of working children were employed intermittently on family farms, while 18.4 percent worked in family enterprises. The International Trade Union Confederation reported that children living in rural areas were slightly more involved in child labor. Children in urban areas were susceptible to trafficking for work in the streets, begging, or selling small items.

The most visible form of child labor was street begging in Tbilisi. The NGO Save the Children estimated that the number of street children decreased to approximately 1,500 in 2009 from 2,500 in 1999. Some experts reported that the number decreased further since that date.

Many minors under the age of 16 worked and performed chores on small family-owned farms in rural areas. In most cases this work was not abusive and not categorized as child labor. However, in some ethnic minority areas, family farm obligations were reported to disrupt the ability to attend school. Some observers suggested that school participation by ethnic minority children was especially low. Some families in rural Kvemo Kartli (an ethnic Azeri region) and Kakheti (where there is also a significant ethnic Azeri population) worked on distant pastures for six to nine months a year, meaning that their children seldom attended school. Statistics were not available.

In most situations the minimum legal age for employment is 16. In exceptional cases, children may work with parental consent at the ages of 14 and 15. Children under the age of 18 may not engage in unhealthy or underground work, and children between the ages of 16 and 18 are subject to reduced working hours and prohibited from working at night. The labor code permits employment agreements with persons under the age of 14 in sports, arts, cultural activities, and for performing advertising services.

The Ministry of Labor, Health, and Social Affairs reported receiving no complaints about child employment, although no single government entity is charged with investigation of child labor allegations unless the case contains criminal elements. The police investigated one such case on referral from the Public Defender's Office.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The monthly minimum wage for public sector employees is 115 lari ($68) and has remained the same since 2005. Minimum wage for private sector employees is 90 lari ($54) per month. The official subsistence level income is 138 lari ($82) for the average consumer and 276 lari ($164) for a family of four. The labor code provides for a 41-hour work week and for a weekly 24-hour rest period unless otherwise determined by a labor contract. According to the code, shifts must be at least 12 hours apart. Pregnant women or women who have recently given birth may not be forced to work overtime without their consent. Overtime is defined as work that exceeds the work hours addressed in the employment agreement. If the employment agreement does not specify business hours, then overtime is considered to be performance exceeding 41 work hours per week. Terms of overtime labor are defined by agreement between the parties. The labor code also permits an employer to change the hours of work by 90 minutes without renegotiating the terms of any labor contact. NGOs contended that this provision would effectively require employees to work overtime without compensation, a violation of the constitutional prohibition against compulsory labor. The law does not explicitly prohibit excessive overtime.

The government set occupational health and safety standards, but the Public Defender's Office listed the failure to ensure safe conditions for workers as one of the major deficiencies of labor code implementation. There is no government body responsible for workplace monitoring. The Technical and Oversight Inspection Agency had some inspection responsibility, but only for occupations codified as hazardous. There are no government labor inspectors.

After three explosions in a Tkibuli mine in 2010 killed nine miners, workers went on strike in February over workplace safety and pay rates. Although management and the Metallurgical, Mining, and Chemical Workers' Union stated conditions improved, four more workers died in three separate accidents in the mine in 2011.

GERMANY

EXECUTIVE SUMMARY

Germany is a constitutional, parliamentary democracy. Citizens choose their representatives periodically in free and fair multiparty elections. The head of the federal government, the chancellor, is elected by the Federal Parliament (Bundestag).

The second legislative chamber, the Federal Council (Bundesrat), represents the 16 states at the federal level and is composed of members of the state governments. The most recent national elections for the Bundestag took place in 2009. Security forces reported to civilian authorities.

Right-wing extremist offenses were a source of significant public and official concern. In November police arrested persons linked to a right-wing extremist group, the National Socialist Underground, for the killings of nine persons with Turkish or Greek backgrounds as well as one policewoman over a period of 13 years. Members of the extreme right also perpetrated a number of anti-Semitic acts, the most widespread of which were the desecration of Jewish cemeteries or other monuments with graffiti including swastikas and racist slogans. Challenges facing persons with disabilities were the topic of public discussion: e.g., some nongovernmental organizations (NGOs) questioned the practice of teaching children with disabilities in designated schools with special facilities, fearing that this segregates the children from society and hinders their future integration as full members of society. Finally, there was also some societal violence and discrimination because of sexual orientation.

Human rights problems during the year included the system of "subsequent preventative detention" that European and national courts have ordered reformed. Citizens challenged the government's collection of a vast amount of cell-phone data during demonstrations on February 19, resulting in court decisions requiring the government to be more selective in its collection of information and to protect it better. The government limited the freedoms of speech, press, assembly, and association of neo-Nazi and other groups it deemed extremist. There were questions about whether the country's "fast procedure" for determining the refugee status of asylum seekers gave applicants a fair hearing. There were reports of societal violence against women, and sex and labor trafficking of women, men, and children. The gender disparity in pay was significant, as women were concentrated in lower-paying jobs and in part-time work. Some societal discrimination against persons with HIV/AIDS was reported.

The government took steps to prosecute and punish officials in the security services and elsewhere in government who committed abuses. There were no reports of impunity involving the security forces.

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

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

On May 12, John Demjanjuk was sentenced by a Munich court to five years' imprisonment on 28,060 counts of accessory to murder—the number of inmates who died during the time he worked as a guard at the Sobibor extermination camp in German-occupied Poland during World War II. The 91-year-old Demjanjuk was released to a retirement home south of Munich pending appeal. In July prosecutors in Weiden, Bavaria, opened an investigation of Demjanjuk's work as a guard at the Flossenbuerg concentration camp in 1943-44, during which time more than 5,000 inmates were killed.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

According to the Federal Statistics Office, the country's prison population as of August 31 was 69,697, including 3,869 women and 10,783 pretrial detainees. Of the latter, 359 were juveniles under age 18. The prison system had a capacity of 78,762 inmates. Prisoners and detainees had access to potable water, reasonable access to visitors, and could engage in religious observance. Authorities permitted convicts and detainees to submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions. The government investigated and monitored prison and detention center conditions. There is no ombudsman for prisons or prisoner affairs.

The government permitted the monitoring of prison and detention centers by independent nongovernmental observers, including the Council of Europe's Committee for the Prevention of Torture, in accordance with their standard modalities. During the year the Federal Agency for the Prevention of Torture conducted numerous visits of facilities throughout the country and reported on them.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over police and the Federal Criminal Investigative Service, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—Authorities may arrest an individual only on the basis of a warrant issued by a competent judicial authority, unless police apprehend a suspect in the act of committing a crime or have strong reason to believe that the individual intends to commit a crime. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. The constitution provides that authorities must bring a person detained on suspicion of having committed a criminal offense before a judge no later than the day after his arrest. At that time the judge must inform him of the reasons for the arrest and give him an opportunity to raise objections. The law entitles a detainee to prompt access to an attorney, either one of his choosing or, if he does not select one, one appointed by the court. The court must then issue an arrest warrant stating the grounds for detention; otherwise the court must order the individual's release. Authorities generally respected these rights in practice.

Bail exists but was infrequently granted. Authorities usually released persons awaiting trial unless a court decided that there was a clear risk that they might flee. In such cases authorities could hold detainees for the duration of the investigation and subsequent trial, subject to judicial review. Time spent in investigative custody applies towards any eventual sentence. If a court acquits a defendant who was incarcerated, the government must compensate the defendant for financial losses as well as for "moral prejudice" due to the incarceration.

While the law does not allow courts to punish persons twice for the same crime, a court may order an offender convicted of rape, homicide, or manslaughter to spend additional time in subsequent preventive detention after completion of sentence if the court determines that the offender represents a continuing danger. The law permits imposition of subsequent preventive detention for an indefinite period.

On April 14, the European Court of Human Rights (ECHR) ruled against the government's system of subsequent preventive detention and the retroactive application of the law in certain cases involving subsequent preventive detention. The ECHR found that the government violated its commitments in the European Convention on Human Rights to impose "no penalty without a law" and to protect the right to freedom. The ruling came in response to a complaint by a man from Baden-Wuerttemberg who had been sentenced to three years in prison for a sexual offense but was imprisoned for a total of 17 years under the application of subsequent preventive detention. In response to this and earlier ECHR rulings, the government introduced reforms, including one providing that, as of January 1, 2011, subsequent preventive detention could no longer be applied retroactively.

In May the Federal Constitutional Court ruled that regulations on subsequent preventive detention, including recent reforms, were unconstitutional as a violation of the basic right of personal freedom. The court ruling required the legislative branch of government to amend the law by May 31, 2013, and defined tight preconditions for implementation of subsequent preventive detention (such as high-grade risk of severe violent, sexual criminal offenses, or mental disorder).

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair, public trial, and an independent judiciary generally enforced this right. Juries are not used. Cases may be tried by a single judge, a panel of professional judges, or a mixed panel of professional and non-professional judges, depending on the severity of the charges. Defendants enjoy a presumption of innocence and have a right of appeal. The law requires defendants to be present at their trials. Defendants have the right to consult with an attorney. According to the law, before any interrogation begins authorities must inform a suspect, arrested or not, of his or her right to consult an attorney. The government provides an attorney at public expense if defendants demonstrate financial need. Defendants may confront and question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to all court-held evidence relevant to their cases.

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

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary in civil matters provides access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Decisions in human rights cases can be appealed to the ECHR. Administrative remedies for alleged wrongs are available as well.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

State-level offices for the protection of the constitution (OPCs) in Hesse, Baden-Wuerttemberg, Lower Saxony, North Rhine-Westphalia, and Bavaria continued to monitor the Left Party because the party tolerated left-extremist groups within its ranks. Other political parties deemed potentially hostile to the constitution (such as neo-Nazi National Democratic Party) were also under the observation of the federal and state OPCs.

The federal and state OPCs answer for their activities to the federal and respective state ministers of the interior in the first instance. The ministries, in turn, answer to their respective state and federal parliaments. All OPC activities are challengeable in court, including ultimately in the Federal Constitutional Court.

In investigations of certain serious crimes, law enforcement officials may monitor the telecommunications of suspects, but only with court approval. In intelligence-related cases, such as suspected involvement in terrorism, the law permits intelligence services to engage in surveillance activities without court approval. However, an independent commission elected by a parliamentary control body must approve such activities.

On February 19, during a neo-Nazi demonstration and anti-Nazi counterdemonstration in Dresden on the anniversary of the bombing of that city in World War II, police in coordination with local mobile service providers tracked the movements of previous offenders suspected of attending the rally by monitoring cell-phone data. This procedure resulted in the collection of approximately 500,000 to one million calls and text messages of all cell-phone users in the area. Police stated that the data was collected in anticipation that the event would become violent, which it did (see section 2.b., Freedom of Assembly). The data was later used to investigate the injuries of 112 police officers and 200 demonstrators. Dresden Chief of Police Dieter Hanitsch was fired as a result.

On March 2, the Federal Constitutional Court ruled that the law requiring the mass storage of telephone and Internet communications data was unconstitutional because it violated telecommunications privacy. The court ruled that although data storage is not in itself unconstitutional, the law was disproportionate and did not provide sufficient data protection measures. The court called for all the information saved under the law to be deleted "without delay." The companies holding the data in question announced their compliance with the decision.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press. However, the law bans Nazi propaganda, material denying the Holocaust, and pornography.

Freedom of Speech.—While the government generally respected these rights in practice, it imposed limits aimed at groups it deemed extremist. During the year the government arrested, tried, convicted, and imprisoned a number of persons for speech that incited racial hatred, endorsed Nazism, or denied the Holocaust (see also section 6, Anti-Semitism). The government also arrested, tried, and convicted eight persons for translating and posting al-Qaida propaganda on the Internet. Most of the defendants were juveniles at the time of the incident. Three were sentenced in July. The harshest sentence was six months' jail time with two years' probation. The sole female defendant was ordered to attend an antiaggression course, and the youngest defendant was released. On September 29, the Higher Regional Court of Munich handed down another three sentences. One defendant received an 18-month suspended sentence, while the other two received probation and 80 hours of community service and counseling. On October 11, the seventh defendant was sentenced to 200 hours of community service. On December 6, the Munich Court sentenced the eighth person to 3.5 years in jail for support of a terrorist organization abroad. The court concluded there was evidence he had distributed al-Qaida propaganda material on the Internet and that he had sought military training in a camp in the Iranian-Pakistani border region in 2007.

On April 10, the Regional Court of Koblenz sentenced nine of the 18 operators of the right-wing extremist Internet radio program, "Resistance Radio," to sentences of 21 months to three years in prison. The court found the defendants guilty of incitement to hatred and instruction in the formation of criminal organizations that exalted Nazism and threatened the lives of Jews and foreigners. In August a prosecutor in Koblenz arrested an additional 12 operators. Their trials were pending at the end of the year.

On May 17, Berlin's administrative court ruled that the city's Kreuzberg district must treat all political parties equally and allow the extreme-rightist anti-Muslim group Pro Deutschland to hold a meeting in a hall belonging to the city. The Kreuzberg district Green Party faction had blocked renting the hall to the group. On the day of the planned event, protesters outside the building blocked access so that Pro Deutschland was unable to proceed with the meeting.

Freedom of Press.—The independent media were active and expressed a wide variety of views with few restrictions. There were no prosecutions involving right-wing extremist, racist, or anti-Semitic material.

Internet Freedom.—There were no government restrictions on access to the Internet; government agencies may monitor e mail or Internet chat rooms in certain circumstances. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail.

Federal and state laws permit the Federal Office for the Protection of the Constitution (FOPC) and its state-level counterparts to monitor the private e mails and chat room postings of individuals and groups under FOPC and OPC surveillance. An independent commission elected by a parliamentary control body was responsible for oversight of such activities. The law prohibits access to material such as child pornography and Nazi propaganda.

On May 17, the Stralsund Regional Court rejected the appeal of a man fined 3,000 euros ($3,900) on sedition charges. The man operated a neo-Nazi Internet portal, Altermedia, on which he published several anti-Semitic articles and denied the Holocaust. On October 24, the court sentenced him to two years in prison without parole.

Academic Freedom and Cultural Events.—There were some government restrictions on academic freedom or cultural events supporting extreme right-wing neo-Nazism.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the government usually respected this right in practice. The government occasionally prevented certain prohibited organizations, mainly right-wing extremist groups, from holding public assemblies. Authorities permitted several right-wing extremist or neo-Nazi groups to hold public rallies or marches during the year when the assembly was in accordance with the law and did not involve a prohibited organization.

Permits must be obtained for open-air public rallies and marches, and state and local officials have authority to deny permits when public safety concerns arise or the applicant is a prohibited organization. Denials were rare but did occur.

It is illegal to block an officially registered demonstration, including demonstrations organized by neo-Nazi groups. Many anti-Nazi activists refused to accept such restrictions and attempted to block neo-Nazi demonstrations or hold counterdemonstrations, resulting in clashes between police and anti-Nazi demonstrators.

On February 19, police in Dresden used water cannons, tear gas, truncheons, and dogs to break up several thousand anti-Nazi counterdemonstrators attempting to block a neo-Nazi rally taking advantage of the 66th anniversary of the Allied bombing of the city. The ensuing clash between police and demonstrators resulted in injuries to more than 200 counterdemonstrators and 112 police officers, according to press reports (see also section 1.f.).

Police may detain known or suspected criminals, usually right-wing or left-wing extremists, for brief periods when they believe such individuals intend to participate in illegal or unauthorized demonstrations. The length of time varies from state to state and can range from one to 14 days.

On May 18, the Mecklenburg-Vorpommern parliament passed a law prohibiting neo-Nazi marches and rallies at memorials for the victims of World War II.

Freedom of Association.—The constitution provides for freedom of association, and the government generally respected this right in practice. The law permits the prohibition of organizations whose activities have been judged illegal or opposed to the constitutional democratic order. While only the Federal Constitutional Court may prohibit political parties on these grounds, federal or state governments may prohibit or restrict other organizations, including groups that authorities classify as ex-

tremist or criminal in nature. Organizations have the right to appeal prohibition or restrictions.

The FOPC and state OPCs are responsible for examining possible threats to the constitutional democratic system and monitored several hundred organizations. Monitoring generally consisted of collecting information from written materials and firsthand accounts, but it also included intrusive methods, such as the use of undercover agents who were subject to legal oversight. The FOPC and OPCs published lists of monitored organizations, including left-wing political parties. Although the law stipulates that OPC surveillance must not interfere with an organization's activities, representatives of monitored groups complained that the publication of the organizations' names contributed to prejudice against them.

In April the interior minister of Brandenburg banned the right-wing extremist group Freie Kraefte Teltow-Flaeming, which avowed Nazi ideology, advocated xenophobic and racist positions, and distributed anti-Semitic propaganda. Police searched 19 sites in Brandenburg and one in Berlin, confiscating Nazi propaganda, flags, and symbols. Authorities seized property and funds of the organization.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Protection of Refugees.—Access to Asylum.—Laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The constitution extends to foreigners persecuted on political grounds the right to apply for asylum in the country. The law also allows the granting of refugee status when the persecutors are not representatives of the state.

Safe Country of Origin/Transit.—According to EU regulations, individuals who attempt to enter the country through a "safe country of transit," i.e., a member state of the EU or a country adhering to the 1951 Convention relating to the Status of Refugees, could be turned back at the border or, if they had entered the country, deported to that safe country of transit. Several NGOs questioned this regulation. According to the Interior Ministry, there is no blanket denial of asylum to applicants from safe countries of origin. If the applicant hails from a safe country of origin, appealing a denial of asylum will not prevent authorities from returning the applicant to his country of origin before a court issues a decision on the appeal. An applicant may prevent an early return by filing an urgent motion with the competent court.

The member states of the EU, Senegal, and Ghana are classified as safe countries of origin. Nationals from both countries were granted refugee status in 2010.

Nonrefoulement.—In practice the government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

During the year human rights organizations questioned whether an agreement with Kosovo provided adequate safeguards for failed asylum seekers who were repatriated there. The federal government considered the security situation for returnees in Kosovo as stable, even if they belonged to the Romani minority. According to the Federal Ministry of the Interior, 528 Kosovars, approximately a quarter of whom were Roma, were repatriated in 2010. Between January and July, 252 Kosovars, a third of whom were Roma, were returned.

Refugee Abuse.—Human rights organizations continued to criticize the "fast procedure" at Frankfurt airport, under which the Federal Office for Migration reaches a decision on asylum applications within two days. Based on its examination of 32 cases from 13 countries in 2009, the NGO Pro Asyl asserted that the minimum requirements for a fair procedure were not met, as decisions were made so rapidly. According to Pro Asyl's analysis, the two-day deadline is too short for lawyers to contact their client and give them proper legal assistance. Pro Asyl also claimed that the procedure is vulnerable to political influence.

Access to Basic Services.—In May the U.N. Committee on Economic, Social, and Cultural Rights issued a report that criticized the situation of asylum seekers in the country. The committee noted that social benefits were inadequate and that asylum

seekers had to live in overcrowded quarters and received only emergency medical care.

Stateless Persons.—Citizenship is derived primarily by birth from one citizen parent, but citizenship may also be granted to children based on their birth in the country, provided one parent has been living there for at least eight years or one parent has a permanent residence permit and has had that status for at least three years.

According to UNHCR statistics, there were 7,920 stateless persons in the country at the end of 2010. The government generally implemented laws and policies to provide stateless persons the opportunity to gain nationality on a nondiscriminatory basis. Refugees and stateless persons may apply for citizenship after six years residence, but it can be difficult for an applicant to produce sufficient evidence or documentation for the establishment of statelessness status because the burden of proof is on the applicant. In general the country protected stateless persons from deportation to their country of origin or usual residence where they could be threatened with political persecution.

Temporary Protection.—During the year a number of individuals were granted subsidiary protection status (individuals that do not meet the criteria of the refugee convention but need protection for other reasons, e.g., because they faced the death penalty, torture, or risks related to armed conflict in their home countries).

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

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

Elections and Political Participation.—Recent Elections.—In 2009 the country held parliamentary elections that were considered free and fair.

Political Parties.—Political parties generally operated without restriction or outside interference unless they were deemed a threat to the federal constitution. Even when the federal authorities perceive such a threat, they have no authority to ban a party; they can only petition to the Federal Constitutional Court to do so.

A total of 31 splinter parties were denied approval to participate in the 2009 federal parliamentary elections. A report on the parliamentary elections released in 2009 by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) criticized certain provisions of the law for the admission of new parties for conflicts of interest in the federal election committee, which decides on such admissions, and a lack of judicial review of election administration decisions.

Participation of Women and Minorities.—The federal chancellor and five of the 16 cabinet members were women. There were 204 women in the 620-seat Federal Parliament. Five judges on the 16-member Federal Constitutional Court were women.

There were 16 members of ethnic minorities or members with an immigrant background in the parliament, one on the Federal Constitutional Court, and one in the cabinet. There were three female state-level ministers for integration with a Turkish background and three female minister presidents.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. Nevertheless, in the construction sector and public contracting, there were indications of inappropriate political party influence in the awarding of contracts.

Most state governments and local authorities have contact points for whistle-blowers and provisions for rotating personnel in areas prone to corruption. Government officials are forbidden to accept gifts linked to their jobs. There are serious penalties for bribing officials, corrupt practices between companies, and price-fixing by companies competing for public contracts.

On March 18, prosecutors accused two executives from Ferrostaal AG of paying foreign officials 62 million euros ($81 million) in bribes related to the sale of submarines to Greece and Portugal.

Parliamentarians are subject to financial disclosure laws that require them to publish earnings from outside employment. State prosecutors generally are responsible for investigating corruption cases.

Federal law provides for public access to government information. Eleven federal states (Berlin, Brandenburg, Schleswig-Holstein, North Rhine-Westphalia, Mecklenburg-Vorpommern, Hamburg, Bremen, Saarland, Thuringia, Saxony-Anhalt, and Rhineland-Palatinate) also have freedom of information laws that provide an appeals process. Access to records was generally uncomplicated, and responses to re-

quests were swift and positive. The fee for requesting information can be up to 500 euros ($650).

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

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

On July 1, an NGO criticized the annual report of the FOPC that indicated a nationwide drop in violence by right-wing extremists and a rise in left-wing extremist violence. This NGO had recorded an increase in right-wing extremist crimes in Saxony-Anhalt over the previous year. The NGO stated that the FOPC had likely failed to identify some crimes as having a right-wing extremist motivation.

Government Human Rights Bodies.—The courts were the main resource for individuals seeking protection of individual human rights. In addition to the courts, the country has a wide range of governmental and nongovernmental bodies and organizations working to protect human rights. Citizens could file complaints with petition committees and commissioners for citizens' affairs. Such points of contact are usually referred to as "ombudsmen."

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these provisions in practice.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and provides penalties of up to 15 years in prison. The government enforced the law effectively. According to national police criminal statistics, there were 7,724 cases of rape or serious sexual coercion in 2010, the latest data available. The federal government supported numerous projects in conjunction with the federal states and NGOs to deal with violence against women, both to prevent violence and give victims greater access to medical care and legal assistance.

The law prohibits violence against women, including spousal abuse; the law may temporarily deny perpetrators access to the household, put them under a restraining order, or in severe cases prosecute them for assault or rape and require them to pay damages. Penalties varied depending on the nature of the case. The law does not require a civil court decision for a temporary denial. The government enforced the law, but authorities believed that violence against women was widespread. Organizations that aid victims estimated that between 20 and 25 percent of women have been victims of physical or sexual violence. There were approximately 346 women's shelters in the country and 18 sheltered apartments/emergency centers for women, as well as a widespread system of emergency hotlines. According to the Federal Ministry for Family, Senior Citizens, Women, and Youth, approximately 400,000 women per year sought refuge from abusive situations. Many NGOs on the local level provided hotlines, assistance, advice, and shelter.

Forced marriages are illegal and invalid, and may be punished by up to five years' imprisonment. While there were no reliable statistics on the number of forced marriages, evidence indicated that the problem occurred more often in the immigrant Muslim community than in the general population. Forced marriages reportedly often led to violence. Victims included women and, in some cases, young men living in the country for whom the family brought a spouse from abroad. In addition, some women were sent by their families to other countries to marry against their will.

"Honor" killings were also reported. In February, a 21-year-old pregnant woman in Taufkirchen, Bavaria, was murdered by the father of the child, allegedly over questions of the child's paternity. The 18-year-old suspect confessed to the murder and, as a juvenile at the time, could be sentenced to no more than 10 years in prison.

Sexual Harassment.—Sexual harassment of women was a recognized problem. The law prohibits sexual harassment and requires employers to protect employees from sexual harassment. A variety of disciplinary measures against offenders are available, including dismissal. The law considers an employer's failure to take measures to protect employees from sexual harassment to be a breach of contract, and an affected employee has the right to paid leave until the employer rectifies the problem. There were press reports of sexual harassment in the workplace and in public facilities, but no statistics were available. Unions, churches, government agencies, and NGOs operated a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception, skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care. Women and men were diagnosed and treated equally for sexually transmitted infections.

Discrimination.—Men and women enjoy equal rights under the constitution. The law provides for equal pay for equal work. Employers generally did not pay women less than men for equivalent work, although women were underrepresented in well-paid managerial positions and overrepresented in some lower-wage occupations. According to current information from the Federal Ministry for Family, Senior Citizens, Women and Youth, women earned an estimated 23 percent less than men for the same work. The earnings disparity was attributed to the tendency for a greater number of women than men to be part-time workers.

Children.—Birth Registration.—In most cases citizenship is derived from one's parents. Citizenship may also be granted to children born in the country, provided one parent has either been a resident for at least eight years or has a permanent residence permit and held that status for at least three years. Dual nationality is not recognized, and upon reaching age 23, a dual national must choose which citizenship to retain. Civil registration offices record births.

Child Abuse.—The law criminalizes rape and provides penalties of up to 15 years in prison. Consensual sex is legal from the age of 14 in most cases. An exception is if the older partner is over 18 years old and is "exploiting a coercive situation" or offering compensation, in which case the younger partner must be over 16 years old. It is also illegal for someone older than 21 to have sex with someone under 16 if the older person "exploits the victim's lack of capacity for sexual self-determination."

According to the Federal Criminal Office (FCO), 11,867 incidents of sexual abuse of children up to 14 years of age were reported in 2010, compared with 11,319 incidents in 2009.

In February a man identified as "Detlef S" was accused of 160 counts of sexually abusing his now 18-year-old daughter, his 27-year-old stepdaughter, and his stepdaughter's twin brother between 1987 and 2010. He was also accused of prostituting his two daughters. On March 17, he confessed to raping his daughter and producing seven children with his stepdaughter. In March Detlef S was sentenced to 14 years and six months in prison.

In July an unidentified Roman Catholic priest of the St. Joseph Community in Salzgitter was arrested for allegedly sexually abusing a young boy. After further investigation, authorities charged him with 280 counts of sexually abusing three boys between the ages of nine and 15. The priest confessed to the allegation but denied the number of occurrences. The case continued at year's end.

Sexual Exploitation of Children.—Possession of child pornography is a criminal offense. A child is defined as a person younger than 14 years of age. According to the law possession of, or attempt to acquire, any material reflecting a true or realistic incident of child pornography is punishable by imprisonment for three months to five years. The country's legal system also applies extraterritorial jurisdiction, so that an act involving child pornography may be prosecuted under domestic law, even if it was committed outside of the country.

Between 2009 and 2010, the number of cases involving the distribution of child pornography declined from 3,246 to 2,784. In 2010 the number of reported cases of ownership and procurement of child pornography declined by 14.6 percent, from 3,145 cases in 2009 to 2,687 cases in 2010. According to the FCO, the number of cases involving the distribution of pornography involving youth (ages 14-18) increased from 171 in 2009 to 277 in 2010. Cases involving possession of youth pornography increased 69.4 percent, from 160 in 2009 to 271 in 2010.

According to one estimate, 3-11 percent of prostitutes were 16 years old or younger.

Displaced Children.—The NGO Coalition for Street Children estimated there were as many as 11,000 street children in the country. Authorities believed these children were frequently fleeing violent and abusive homes. Street children often turned to prostitution for income.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—In 2010 the country's Jewish population was estimated to be more than 200,000. A government-appointed expert panel on anti-Semitism found that approximately 20 percent of Germans were "latently" anti-Semitic, a very small

percentage of whom resorted to violence as an extension of their views. The panel found deficiencies in Holocaust education and widespread anti-Semitism in sports, social events, and certain aspects of the media. The 2010 FOPC annual report listed a total of 1,166 right-wing, politically motivated crimes with extremist and anti-Semitic background in 2010 compared with 1,502 in 2009, a decrease of 22 percent. The report also noted that membership in skinhead and neo-Nazi groups increased over the course of the year to 5,600 and that neo-Nazis groups were increasingly resorting to violence. Federal authorities generally took action against the perpetrators of anti-Semitic offenses.

The most widespread anti-Semitic acts during the year were desecrations of Jewish cemeteries or other monuments with graffiti, including swastikas and anti-Semitic slogans. In 2010, 41 desecrations of Jewish cemeteries were reported. There were no reports that authorities made arrests in any of these cases.

Despite government efforts to prevent the gravesite of Rudolf Hess from becoming a pilgrimage site, right-wing extremists continued to honor the grave of the former deputy to Adolf Hitler in Wunsiedel. The church that owned the property terminated the lease on Hess's family gravesite, dismantled the grave, and on July 20 scattered his ashes over the sea.

On August 28, the chairman of the Central Council of Jews in Germany, Dieter Graumann, called for the prohibition of the right-wing extremist National Democratic Party of Germany (NPD). He stated that the Berlin NPD's provocative campaign posters in the year's local election in that city reading "gas geben" (literally "give gas" but also meaning "accelerate") were tasteless and disgusting references to the Holocaust. He asserted that they were intentionally displayed in the vicinity of the Holocaust Memorial and Jewish Museum. The movement to ban the NPD was reportedly growing among the population and had the support of many politicians, including Federal Interior Minister Hans-Peter Friedrich and the Green party.

Over the past year, the Left Party faced increasing criticism that its anti-Israel policies crossed the line to anti-Semitism. In June the Left Party condemned traditional forms of anti-Semitism. In various editorials leaders of German Jewish organizations criticized the Left Party's condemnation as inadequate.

While most anti-Semitic acts were attributed to neo-Nazi or other right-wing extremist groups or persons, an expert panel on anti-Semitism noted an increase of anti-Semitic attitudes among Muslim youths.

According to the FOPC's annual report published in 2011, 29 violent anti-Semitic acts committed by right-wing extremists were registered in 2010.

During the year courts punished some persons for attacks on Jews but released others with light or no sentences. Some courts appeared reluctant to ascribe political motivations to attacks that were openly and virulently anti-Semitic or that allowed the perpetrator to get off with a relatively light sentence:

In February the Berlin municipal court sentenced one man to 24 months in prison and a second to 22 months on probation in connection with the June 2010 neo-Nazi attack that seriously injured a 23-year-old man in Berlin-Oberschoeneweide. In October 2010 state police searched four apartments in Berlin and arrested four men suspected of having committed the attack. Police found clothing worn during the attack and also neo-Nazi CDs. The court did not find the attack to have been politically motivated.

In February the Hanover municipal court sentenced a 15-year-old youth to 15 months' probation, antiaggression training, and five days of social work in connection with the June 2010 attack during a street festival in Hanover, Lower Saxony, by a group of children and teenagers who attacked a Jewish dance troupe with stones and anti-Semitic remarks shouted through a bullhorn. The assailants were reportedly of Lebanese, Palestinian, Iraqi, Iranian, and Turkish origin. The court did not find anti-Semitic motives in the youth's actions, and the Jewish community criticized the ruling as belittling the seriousness of the attack.

On July 11, the Regional Court in Regensburg confirmed an April 2010 ruling against Holocaust denier Bishop Richard Williamson, a member of the conservative Catholic Pius Brotherhood, for denying the existence of gas chambers during the Nazi era. In light of his financial situation, the court fined Williamson 6,500 euros ($8,450) instead of 10,000 euros ($13,000) from the earlier ruling.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and the provision of other federal state services. The relevant law makes no specific mention of persons with sensory or intellectual disabilities, but these are believed to be subsumed under the other headings. The government effectively en-

forced these provisions. While special schools were often better equipped to take care of students with disabilities, critics argued that such separation prevented the full integration of children with disabilities into the professional world and society as a whole.

On June 15, the federal cabinet agreed on a national plan of action to implement changes in laws that support rights for persons with disabilities, based on the U.N. Convention on Rights for People with Disabilities. It also provided 100 million euros ($130 million) in additional funds for a period of five years. Some private groups complained the implementation measures were too vague and practical plans for improvements were missing.

On August 1, a regulation went into effect in Bavaria to give children with disabilities unlimited access to secondary schools under certain circumstances.

The government promoted the employment of persons with disabilities through a number of measures. As of September 1, pursuant to an agreement between the German Railway and the Federal Ministry for Labor and Social Affairs, persons with disabilities who fulfill certain requirements can use all regional trains within the country free of charge. In addition employers with a minimum of 20 employees must hire persons with disabilities to fill at least 5 percent of all positions, and for noncompliance face a fine of between 100 euros ($130) and 290 euros ($377) per month. According to the Sozialverband VdK Deutschland, this regulation applies to about 135,000 companies; however, 38,000 chose to pay the noncompliance fine.

The federal government provided payments of 518.2 million euros ($673.7 million) per year through 2019 to the states to support barrier-free buildings. Efforts continued to improve barrier-free access to public transportation.

By law the federal government is required to provide barrier-free access to communications, especially in the field of administrative Internet sites and official forms and notifications.

The Office of the Federal Commissioner for Matters relating to Persons with Disabilities is the principal government contact in all matters related to persons with disabilities and has specific responsibility for protecting their rights. The Ministry of Labor and Social Affairs; the Ministry of Family, Senior Citizens, Women, and Youth; and the Ministry of Transport, Building, and Urban Affairs also have responsibilities for addressing the needs of persons with disabilities. The German Institute for Human Rights has been designated to monitor the implementation of the U.N. Convention on the Rights of Persons with Disabilities in the country.

National/Racial/Ethnic Minorities.—Beatings and harassment of foreigners and members of racial minorities remained a problem throughout the country.

In November and December, police arrested five persons with links to a right-wing extremist group, the National Socialist Underground, for the killings of nine persons with Turkish or Greek backgrounds as well as one policewoman over a period of 13 years. On November 22, the parliament passed a resolution with the support of all five parties represented in parliament expressing "deep shame" that a neo-Nazi underground group was able to perpetrate these crimes. In a November 19 video podcast, Chancellor Angela Merkel condemned the crimes, calling them a "disgrace for our country." She added that "Hatred, racism, neo-Nazism, and anti-Semitism have to disappear from the heads of certain people.. [W]e will reply with humanity, human dignity, and the rule of law."

On June 25, four unidentified persons attacked an apartment complex housing several Sinti and Romani families in Leverkusen. The attackers threw several Molotov cocktails into the ground floor of the building. Authorities were unable to determine whether the act had a xenophobic motivation. None of the 19 persons living in the building was injured.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Many lesbian, gay, bisexual, and transgender rights groups reported no impediments to their operation or free association. In 2010 the government reported 164 crimes motivated by a bias against sexual orientation, of which 45 were violent crimes. According to German statistics published in the OSCE's 2010 report, Hate Crimes in the OSCE Region, 187 hate crimes motivated by sexual orientation occurred in 2010, of which 48 were violent. The NGO RAA Sachsen reported that in eastern Germany, 13 homophobic hate incidents occurred. The NGO Maneo reported one attempted murder, 60 incidents involving physical assault or attempted assault, 69 cases of theft and two cases of damage to property.

On May 10, the EU Court of Justice ruled that same-sex couples should be eligible for the same retirement benefits as heterosexual couples. The case involved a former employee of the city of Hamburg who was in a civil union with another man. He sued the city after it refused him pension benefits equal to those given to hetero-

sexual couples. Under the retirement plan as applied to married couples, he should have received an additional 302 euros ($393) per month.

Other Societal Violence or Discrimination.—There was societal discrimination against persons with HIV/AIDS. The government worked with NGOs, religious groups, and businesses to educate the public about HIV/AIDS and its prevention.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution provides for the right of employees to form and join independent unions of their choice without excessive requirements or previous authorization as well as for the right to strike for all workers except civil servants (including teachers) and staff in sensitive or essential positions, such as members of the armed forces. The constitution protects the right to collective bargaining, and agreements are governed by law.

Antiunion discrimination and other forms of employer interference in union functions are prohibited by law and were not widespread. In a July 27 ruling, the Kassel Administrative Court weakened the constitutional ban on strikes by civil servants by granting civil servants a limited right to strike. Workers not allowed to strike have legal recourse to the courts to protect their rights. The law prohibits retaliation against strikers or for other union activities, and the government generally enforced this law. The International Trade Union Confederation reported discriminatory tactics of some employers including targeted dismissals, demotions, transfers, and discrimination in recruitment.

The government generally respected freedom of association and the right to collective bargaining in practice, and worker organizations were independent of the government and political parties. Collective agreements are binding only for trade union members and their respective employer associations; however, many employers of nonunion labor also made use of the agreements to determine part or all employment conditions of their employees. Collective bargaining agreements negotiated with public service employees were usually extended to civil servants through legislation, although such extensions did not always include all of the provisions of those agreements.

b. Prohibition of Forced or Compulsory Labor.—The constitution and federal statutes prohibit forced or compulsory labor, including by children. There were reports of forced labor involving adults mainly in restaurants, hotels and in domestic households as well as on construction sites where workers (often illegal residents) were exploited.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—Comprehensive legislation protects children from exploitation in the workplace, and the government enforced these laws.

The law prohibits the employment of children younger than 15 with a few exceptions: children 13 or 14 years of age may do farm work for up to three hours per day or deliver newspapers for up to two hours per day, and children three to 14 years of age may take part in cultural performances under strict limits on the kinds of activity, number of hours, and times of the day. Exploitative child labor was not a serious problem, although violations did occur mainly in small, often family-owned businesses such as bars, restaurants, and grocery stores. The Federal Ministry of Labor and Social Affairs enforced the law effectively through its Factory Inspection Bureau.

d. Acceptable Conditions of Work.—The country does not have a statutory minimum wage. As of December 31, binding minimum wages were in place for approximately four groups of construction occupations, electrical trades, painting, postal service, waste management, large-scale laundries, nursing care, security services, special mining services, and temporary employment agencies, covering approximately 8 percent of the workforce. Minimum wages vary between eastern and western Germany. In eastern Germany wages ranged from 6.53 euros ($8.49) per hour in security activities up to 10.80 euros ($14.04) per hour for erection of roof coverings and frames; minimum wages in the west ranged from 7.65 euros ($9.95) per hour in commercial cleaning up to 13.00 euros ($16.90) per hour for skilled construction work. Official social indicators on poverty and social exclusion ("federal indicators") revealed that persons who had a disposable income of less than 11,151 euros ($14,496) per year), after inclusion of government transfer payments, were at risk of poverty. While in the eastern German states (including Berlin), 19.5 percent of the population was at risk of poverty, the rate in the former West Germany (excluding Berlin) was significantly lower (12.9 percent). The reference period for collecting the income data was 2008.

The minimum wage rates set by collective bargaining agreements are enforceable by law. Sector-wide collective bargaining agreements determined wages and working conditions in most industries, but company-level agreements frequently deviated from them. Multicompany, industry-wide contracts covered directly approximately 32 percent of all firms; company-level agreements covered 4 percent, 40 percent were guided by a respective industry agreement, and 24 percent were not covered at all. Collective bargaining agreements covered approximately 65 percent of the labor force in the western part of the country and approximately 51 percent in the eastern part.

The law provides for equal treatment of foreign workers, who generally worked in conditions equal to those of citizens, although such workers faced some wage discrimination. For example, some schools paid foreign teachers less than their citizen counterparts. Employers also often paid lower wages to seasonal workers from Eastern Europe who came to the country on temporary work permits. At times employers paid workers from other EU countries the same wages they would receive in their home country, even if the corresponding citizen worker would receive a higher wage.

Federal regulations limit the workweek to 48 hours, but collective bargaining agreements may stipulate lower maximums. Contracts directly or indirectly affecting 80 percent of the working population regulated the number of hours of work per week. According to the European Labor Force Survey, in 2010 the average full-time employee's workweek was 39.8 hours for women and 41 hours for men; rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement. Excessive compulsory overtime is prohibited, and workers are covered and protected against arbitrary employer requests either by collective bargaining agreements or individual contracts.

Employees who refuse to work overtime cannot lose their jobs or face other reprisals such as demotion or assignment to unattractive work or to less desirable shift times such as nights or weekends.

An extensive set of laws and regulations governs occupational safety and health. In practice a comprehensive system of worker insurance carriers enforced safety requirements in the workplace. The Federal Ministry of Labor and Social Affairs and its counterparts in the federal states effectively enforced occupational safety and health standards through a network of government bodies, including the Federal Institute for Occupational Safety and Health (BAuA). At the local level, professional and trade associations—self-governing public corporations with delegates representing both employers and unions—oversee worker safety. In 2010, according to the BAuA, approximately 3,029 factory inspectors and 90 physicians were engaged nationwide in enforcing compliance with the country's occupational safety and health laws. The number of work accidents increased to 1,045,816 in 2010 (up 7.3 percent from 2009), and the number of fatalities at the workplace rose to 674 (up 8.4 percent).

GREECE

EXECUTIVE SUMMARY

Greece is a constitutional republic and multiparty parliamentary democracy. On November 11, a new "unity" government composed of the Pan-Hellenic Socialist Movement (PASOK), the New Democracy (ND) party, and the Popular Orthodox Rally (LAOS) party was sworn in, with Lucas Papademos as prime minister. Security forces reported to civilian authorities.

The most important human rights problem during the year concerned the government's treatment of undocumented migrants, including unaccompanied minors, detained for long periods pending disposition of their cases in overcrowded and unsanitary conditions and sometimes allegedly subjected to physical abuse by security forces. There were also reports of harsh prison conditions as well as discrimination against Roma and exploitation of Romani children.

Other human rights problems cited during the year included alleged abuse of detainees by security forces, laws restricting freedom of speech, restrictions on religious freedom, deportation of unaccompanied immigrant minors, inadequate reception capacity or legal aid for asylum seekers and refugees, domestic violence, incidents of anti-Semitism, trafficking in persons, limits on the freedom of certain ethnic minority groups to self-identify, and discrimination against and social exclusion

of ethnic minorities. There were also allegations of excessive use of force against protestors during violent demonstrations in which police officers were also injured.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices and provides safeguards for criminal suspects and undocumented immigrants in detention. However, during the year several international organizations and nongovernmental organizations (NGOs) alleged abuse by police personnel and the coast guard, particularly of undocumented immigrants and asylum seekers. In October Reporters without Borders claimed that police officers attacked journalists covering antiausterity protests and strikes in Athens.

U.N. Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Manfred Nowak reported receiving numerous allegations of mistreatment by law enforcement officers, both upon arrest and during detention in police stations; criminal investigation departments; border guard stations, and migrant detention centers. The report of the Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of its January 19-27 visit noted a deterioration in detention and prison conditions throughout the country and maintained the country had not implemented long-standing CPT recommendations.

In May the Hellenic National Police authority suspended three police officers from duty for their role in allegedly injuring a demonstrator during a violent protest in Athens, where demonstrators attacked the parliament building and police with Molotov cocktails, bricks, and stones. Demonstrations occurred throughout the year, many of them violent. Often demonstrators and police officers sustained injuries; yet charges generally were not filed. Some NGOs alleged that police used excessive force in efforts to control the violence; however, the police were not responsible for all of the injuries demonstrators sustained.

On December 13, a police officer was sentenced to a six-year suspended sentence for the aggravated torturing with electrical shocks of two young men in Aspropyrgos (Attica area) in August 2002. On December 19, the courts sentenced two police officers to suspended prison sentences of five years and five-and-a half years respectively for beating Afghans during a police raid in an Athens apartment building in December 2004. The officers appealed the sentences.

Prison and Detention Center Conditions.—Conditions in prisons and detention facilities did not meet international standards.

According to local and international organizations, including the deputy ombudsman for human rights, Doctors without Borders, the CPT, Amnesty International, the Agency for Fundamental Rights, and the U.N. special rapporteur, Greece continued to face a humanitarian crisis in the detention of illegal immigrants as well as in its prison system.

In March U.N. Special Rapporteur Nowak announced he had received numerous reports of mistreatment in police stations, border guard stations, and migrant detention centers. Many detainees claimed police officers and border guards had physically or verbally abused them. The allegations primarily concerned kicks, slaps, and punches. In the downtown Athens area of Omonia, detainees were allegedly blindfolded and handcuffed before being beaten. At the Soufli Border Guard Station, detainees mentioned kicks and slaps, adding that guards pushed them when they did not follow orders immediately or complained.

The U.N. special rapporteur also expressed his extreme concern about undocumented immigrants held in overcrowded and poor conditions, which amounted to inhuman and degrading treatment. He indicated that pregnant women, lone women with small children, and unaccompanied minors were particularly vulnerable. He underscored that unaccompanied minors often were not registered properly, were systematically detained, and frequently housed with adults. At the Feres Border Station in Thrace (northern Greece), the U.N. special rapporteur found 123 detainees in a facility designed for 28. He stated also that conditions at the long-term detention centers in Fylakio and Venna were inadequate to meet the most basic needs of detainees.

The U.N. special rapporteur found that many police stations had converted spaces into facilities for the detention of aliens awaiting deportation, but such facilities were not suitable for prolonged detentions of up to six months. Specifically, they

often lacked an outside exercise area, had insufficient natural lighting and poor ventilation, and were frequently overcrowded, with detainees forced to share mattresses or sleep on the floor. At the Athens police stations of Omonia, Aghios Panteleimonas, and Acropolis, the special rapporteur found more than 40 foreigners held in irregular and apparently unofficial detention areas that reportedly were overcrowded with insufficient lighting, ventilation, and bedding. The detainees were forced to sleep on benches or on the floor for extended periods and had severely limited access to drinking water or toilets. As a result many detainees reported respiratory, skin, and psychological problems. Access to medical care was very limited.

In January the CPT issued a public statement harshly criticizing detention conditions of undocumented migrants and the unacceptable state of the prison system. The CPT noted that the situation in police stations, border guard installations, and prisons had declined. The CPT also observed a steady deterioration in the living conditions and treatment of prisoners over the past decade.

The deputy ombudsman for human rights, the CPT, and the U.N. special rapporteur maintained that prisons were severely overcrowded, with some (Korydallos, Komotini) containing three times more prisoners than their maximum capacity. The total number was approximately 12,700, while prison capacity was about 9,100; there were 510 juveniles and 554 female prisoners.

Prisoners had access to visitors and could observe religious practices. They could submit complaints to the judicial authorities without censorship. The authorities investigated allegations of inhumane conditions.

A few sporadic prison protests and hunger strikes took place during the year.

In May the Ministry of Justice announced the adoption of a recommendation of the deputy ombudsman for human rights to desist from body cavity searches of female prisoners and ordered such searches to be conducted only by a medical doctor based on risk assessment. Treatment of female prisoners improved after the cessation of body cavity searches. During the year all four detention centers in Thrace had on staff a nurse, social worker, and interpreter to assist the detainees.

The government permitted monitoring of conditions at prisons and detention centers by independent nongovernmental observers including local and international humanitarian organizations such as the Office of the U.N. High Commissioner for Refugees (UNHCR), the CPT, Doctors without Borders, the International Committee of the Red Cross, the Greek Council of Refugees, Medical Intervention, and the deputy ombudsman for human rights. The ombudsman for human rights conducted frequent short-notice visits to prisons throughout the country.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention. However, police continued to conduct large-scale sweeps and temporarily detained large numbers of immigrants, sometimes in crowded and squalid conditions, while determining their residency status.

Role of the Police and Security Apparatus.—The police are responsible for law enforcement and the maintenance of order within the country; the coast guard is responsible for law enforcement in territorial waters. Both agencies are under the authority of the Ministry of Citizen Protection. The police and the army jointly shared law enforcement duties in certain border areas. Civilian authorities generally maintained effective control over the police and coast guard. The Hellenic Police Internal Affairs Unit investigated allegations of corruption and police impunity. The 2010 report of the Internal Police Affairs Unit noted a 101 percent increase in corruption cases (from 389 to 785) since 2009 in the police and the public sector in general. The increase included a 78 percent increase in cases involving police officers and a 246 percent increase in cases involving public employees.

Based on a law prohibiting the expression of racist ideas, human rights NGOs in March 2010 filed a protest letter with the Athens prosecutor regarding a coast guard unit (39 members) that chanted racist slogans during the Independence Day (March 25) parade in Athens that year. The prosecutor filed charges against unit members. In December two of the 39 defendants were convicted and each sentenced to a three and a half month suspended prison sentence; the others were all acquitted.

During the year police and coast guard personnel received training from government ministries, regional and international organizations, NGOs, and service academies. Subjects included antiracism, antitrafficking and victim identification, asylum-seeker recognition, witness protection and interviewing, and crowd control.

Arrest Procedures and Treatment While in Detention.—The law requires judicial warrants for arrests except during the commission of a crime and prohibits arbitrary arrest. In practice police did not always follow these provisions.

Police are required to bring detainees before an examining magistrate within 24 hours. During this period the magistrate must issue a detention warrant or order

the detainee's release; these provisions were generally observed in practice. Pretrial detention may last up to 18 months, depending on the severity of the crime. A panel of judges may release detainees pending trial. Pretrial detainees made up approximately 40 percent of those incarcerated and contributed to prison overcrowding, according to figures provided by the Ministry of Justice.

Some defense lawyers and legal activists asserted that, while pretrial detention was supposedly reserved for exceptional cases, it had become the norm. They also maintained that the detention period was excessively long. Bail is available for defendants detained on felony charges and for lesser offenses unless a judicial officer deems the defendant a flight risk. The law provides detainees the right to contact a close relative or third party, consult with a lawyer, and have access to medical services, and authorities generally respected these rights. Only indigent defendants facing felony charges are provided legal representation by the bar association. While authorities generally informed detainees promptly of charges against them, foreign detainees occasionally did not have access to a court-appointed interpreter. According to U.N. Special Rapporteur Nowak's 2010 report, authorities gave foreign detainees information packets in multiple languages describing the asylum procedure and their rights as detainees, although not always promptly.

Individuals accused of misdemeanors could be tried under expedited procedures. While such defendants enjoyed the right to counsel, the short time period allegedly limited their ability to present an adequate defense. Defendants may request a delay to prepare a defense, but the court is not obliged to grant their requests. Expedited procedures were used in less than 10 percent of applicable cases.

Pretrial Detention.—The pretrial detention rate was approximately 41 percent of cases. While legislation provides for separation of pretrial detainees and convicted prisoners, local and international NGOs alleged this distinction did not exist in practice due to lack of infrastructure and capacity. Litigation, particularly in civil cases, could take many years, as courts were overburdened with cases and understaffed.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected this provision in practice. However, observers reported the judiciary was inefficient and sometimes subject to influence and corruption. The judiciary occasionally was more lenient toward those claiming political motives for acts of property destruction than those who did not. For example anarchists frequently received suspended sentences in lieu of prison time or fines. Authorities generally respected court orders, and there were no reported instances in which the outcome of trials appeared predetermined.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public in most instances, and juries are used in most felony cases. The law permits denial of a jury trial in cases of violent terrorism. Defendants have the right to be present at trial and consult with an attorney in a timely manner. Indigent defendants facing felony charges are provided an attorney. Defendants may question prosecution witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. They have the right to appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter.

Some NGOs reported during the year that the quality and availability of interpreters for non-Greek speakers varied from trial to trial.

The government recognizes Shari'a (Islamic law) as the law regulating family and civic issues of the Muslim minority in Thrace. Muslims married by a government-appointed mufti are subject to Shari'a family law. Members of the Muslim minority also have the right to a civil marriage and to take their cases to civil court.

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

Regional Human Rights Court Decisions.—On three occasions during the year, the European Court of Human Rights (ECHR) found that the country had violated provisions of the European Convention on Human Rights with regard to the right to a fair trial within a reasonable period. The country paid the compensation ordered by the court.

Civil Judicial Procedures and Remedies.—There is a generally independent and impartial judiciary in civil matters. The law provides citizens with the ability to sue the government for compensation for alleged violations of rights. Individuals may seek civil remedies for human rights violations and appeal decisions to the ECHR.

Restitution is available. The government complied with domestic and ECHR decisions.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit arbitrary interference with privacy, family, home, or correspondence. However, NGOs such as the Greek Helsinki Monitor reported that authorities did not always respect these provisions in practice, as evidenced during alleged police raids of Romani settlements.

According to NGOs, the police and prosecutors conducting raids and searches of Romani and immigrant neighborhoods, frequently entered homes in search of criminal suspects, drugs, and weapons without authorization.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the government generally respected these rights in practice.

Freedom of Speech.—Individuals could criticize the government publicly or privately without reprisal, and the government did not impede criticism. However, the law provides for prosecution of individuals who "intentionally incite others to actions that could provoke discrimination, hatred, or violence against persons or groups of persons on the basis of their race or ethnic origin or who express ideas insulting to persons or to groups of persons because of their race or ethnic origin."

Freedom of Press.—Independent media were active and expressed a wide variety of views. The law permits any prosecutor to order the seizure of publications that insult the president, offend any religion, contain obscenity, advocate the violent overthrow of the political system, or disclose military secrets. The government did not enforce this law during the year. According to the law, the National Radio and Television Council, an independent regulatory agency, supervises radio and television broadcasts. The law requires that television stations broadcast at least 25 percent of their programming in Greek; the percentage for radio broadcasting varies. The law also requires national radio and television stations to broadcast 24 hours a day and sets requirements for minimum capitalization and numbers of employees. In recent years the representative on the freedom of media of the Organization for Security and Cooperation in Europe has called for the lowering of these requirements, arguing that their high level made it difficult for minority, community, and low-cost broadcasters to receive authorization, thereby endangering media pluralism.

Libel Laws/National Security.—The law provides criminal penalties for defamation. Nonetheless, in most criminal defamation cases, defendants were released on bail pending trial and served no time in jail.

In December 2010 a civil court fined two Thracian Turkish-language newspapers, Gundem and Millet, under the defamation law for articles criticizing a Greek teacher in a Muslim minority school. The teacher sued the newspapers, and the court ordered them to pay 150,000 euros ($195,000) and 120,000 euros ($156,000), respectively. The newspapers appealed the decision, and the case was pending in the appeals court. The newspapers' editors alleged that the "unprecedentedly high" compensation ordered by the court could result in their bankruptcy.

The law provides for the government to exercise "immediate control" over radio and television stations in case of national emergency and establishes ownership limits on media frequencies. State-operated stations relayed the government's views but also reported objectively other parties' positions.

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

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. There were no reports of interference with cultural events of various ethnic groups.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—Although the law provides for freedom of association, the government continued to place legal restrictions on the names of associations of nationals who self-identify as ethnic Macedonians or associations that included the term "Turkish" (see section 6, National/Racial/Ethnic Minorities).

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation for all citizens, and the government generally respected these rights in practice. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Foreign Travel.—NGOs and international organizations noted that immigrants with temporary residence permits faced prolonged delays in renewing their permits, sometimes resulting in the denial of their right to return to the country, and consequently creating practical limits to their foreign travel. Many of the country's estimated one million immigrants were in a semi legal status, holding expired residency permits while undergoing the renewal process. During the year NGOs reported multiple instances of immigrants subjected to summary deportation without legal due process. The law provides for legalization of undocumented immigrants who can prove by a visa stamp or possession of a tax roll number that they entered the country before 2005. Nevertheless, the ombudsman noted that this system of legalization remained disorganized, and there was no database of residence permit holders.

Citizenship: The law permits the government to deprive a person of citizenship for committing acts contrary to the country's interests for the benefit of a foreign state. Historically, the number of such cases was low, and there were no reports of new cases during the year.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum and humanitarian protection. While the government has established a system for refugee protection, it was widely regarded as inadequate, given the large numbers of illegal immigrants entering the country. According to government figures, 98,368 persons were detected arriving in Greece illegally during the year, posing special problems for the country and the capacity of its asylum system.

The UNHCR, Amnesty International, the U.N. special rapporteur on torture, the European Commission against Racism and Intolerance (ECRI), the deputy ombudsman for human rights, Human Rights Watch (HRW), and Doctors without Borders all expressed concern about the country's asylum policy and practices. Specific problems included unacceptable living conditions; lack of permanent reception centers and the use of ad hoc facilities (primarily on islands where boatloads of refugees arrive); underdeveloped refugee welfare systems; insufficient counseling to assist in the integration of refugees and asylum seekers; a lack of appropriate facilities for unaccompanied minors; and deficient interpretation and legal counseling for asylum seekers, especially at entry points.

The Hellenic National Police's Asylum Office reported that from January to November asylum seekers filed 8,525 first-time applications. During the same period the government reviewed 10,850 applications and appeals and accorded refugee status to 85 applicants (1.9 percent) and special humanitarian status to 69 (1.3 percent).

According to new asylum legislation passed in January, asylum decisions must be issued within three months in an accelerated process and within six months for regular applications. The UNHCR noted that the enactment of this law led to progress during the year, and more than 30 percent of applications were approved at the appeals level. However, problems related to access and registration of claims and detention conditions of irregular entrants persisted.

In his May report the deputy ombudsman for human rights asserted that individuals who should be protected did not have access to the asylum process, while economic migrants used and exploited the asylum system to secure their presence in the country.

Nonrefoulement.—In practice the government provided only limited protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Many NGOs and international organizations reported that authorities summarily deported illegal immigrants, including asylum seekers, across Greek-Turkish land and maritime borders.

Refugee Abuse.—Local and international NGOs found conditions for illegal immigrants and asylum seekers detained by authorities to be generally unsatisfactory, specifically criticizing detention procedures and facilities for refugees and asylum seekers as inadequate. Conditions for undocumented immigrants and asylum-seeking children were particularly difficult. During the year the UNHCR and local and international NGOs, including Amnesty International and Doctors without Borders, on several occasions found unaccompanied minors incarcerated along with adults in detention centers in degrading, inhumane, and unsanitary conditions. The UNHCR reported that an estimated 4,000 to 5,000 unaccompanied minors arrived in the

country each year. Unaccompanied immigrant children lacked safe accommodations or legal guardians and were vulnerable to homelessness and labor exploitation.

In 2009 the ECRI noted with concern that the law allows for the deportation of unaccompanied minors, and that unaccompanied minors were served deportation orders with no specific date of deportation and no interim housing pending departure. The deputy ombudsman for children's rights informed the ECRI that social workers were responsible for the guardianship of unaccompanied minors, but in practice they did not fulfill their responsibility due to a lack of funds and guidelines. In September after visiting detention centers in the Evros region, HRW alleged the country's authorities were holding migrants, including members of vulnerable groups such as unaccompanied children, for weeks or months in conditions that amounted to inhuman and degrading treatment. HRW also found men and women colocated in overcrowded cells and unaccompanied minors housed in packed cells with adult men. Beds were scarce, toilet and washing facilities almost nonexistent, medical help rare, and beatings common for protesters. HRW further noted that, in some border centers, sewage was running on the floors; the smell was almost unbearable, prompting guards to wear surgical masks when entering the passageway between the large, barred cells. The report also included detainees' accounts of protests, riots, and beatings at the detention center in Fylakio, Evros.

On January 21, the European Court of Human Rights ruled that M. S. S., an Afghan translator who first arrived in Greece in 2008 and later applied for asylum in Belgium, should not have been deported from Belgium to Greece, where he faced degrading and inhuman treatment. In January 2010 UNHCR Antonio Gutierrez advised European states which apply the Dublin II regulation on asylum not to return asylum seekers to Greece as provided under the regulation pending the implementation of asylum reforms.

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

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

Elections and Political Participation.—Recent Elections.—The country's parliamentary elections in 2009 were considered free and fair.

Participation of Women and Minorities.—There were 51 women in the 300-seat parliament and two women in the 18-member cabinet. A quota system requires that 30 percent of all parties' candidates for local government be women. At the three highest courts, 14 of 61 Council of State justices, 28 of 59 Supreme Administrative Court justices, and three of 62 Supreme Court justices were women.

There were two members of the Muslim minority of Thrace in the parliament; there were no minority members in the cabinet.

Approximately one-third of the Romani population was not registered to vote.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. While the previous government (October 2009 to November 2011) took some concrete actions, the media, international organizations, and NGOs continued to voice concerns about corruption. In September 2010 the public prosecutor's office set up a new unit to facilitate prosecution of economic/financial crimes in the public sector. Authorities designed the unit to work closely with the financial and economic crime unit of the Ministry of Finance and the internal affairs division of the State Police, which was responsible for corruption cases across the public sector.

Reports of police corruption continued. During the year the police bureau of internal affairs took multiple disciplinary measures, including dismissal and suspension, against officers involved in corruption. Police misdeeds primarily involved forging documents, taking bribes, illegal actions involving arms and explosives, illegally releasing persons from custody, procuring, and violations related to alien registration.

There are income disclosure laws for high-ranking public officials and members of parliament. Such information was generally provided and made public.

The law provides for the right of access to government-held information. However, NGOs and media observers noted that access to information was sometimes difficult in practice because of bureaucratic delays.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies.—The law provides for an independent ombudsman. The Office of the Ombudsman provided an effective means for citizens to report human rights problems. The office received adequate resources to perform its various functions, which included mediating between private individuals and public administrators and defending and promoting children's rights.

There were five deputy ombudsmen who dealt, respectively, with human rights, children's rights, citizen-state relations, health and social welfare, and quality of life problems. The deputy ombudsman for human rights received complaints during the year regarding the government's handling of residence and work provisions for immigrants; overcrowding in prisons and detention centers for illegal aliens; social exclusion of vulnerable groups such as Roma and migrants; confiscation of Romani properties because of unpaid housing loans; problems in the asylum and visa processes; arbitrary and unjustified administrative decisions related to professional rights and registration in professional associations; unjustified procedural difficulties in acquiring citizenship; discrimination against aliens; police brutality; and an increase in crime and homelessness in the center of Athens.

The government-funded National Commission for Human Rights (NCHR) is an autonomous human rights body that advises the government on the protection of human rights. It is composed of representatives of the government, labor unions, political parties, civil society organizations, independent authorities, and academics. During the year it produced public reports (available on the Internet at http://www.nchr.gr/) on the situation in detention centers, violence during demonstrations, and the implementation of ECHR rulings.

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

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. However, the government did not protect these rights consistently in practice.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a crime. Conviction rates for rape were low for first-time offenders, but sentences were robust for repeat offenders. According to police statistics 215 rape or attempted rape cases were reported in 2010. Medical, psychological, social, and legal support was usually available to rape victims from the government and NGOs.

Domestic violence, including spousal abuse, continued to be a problem. The General Secretariat for Gender Equality (GSGE), an independent government agency, reported that domestic violence was common and developed policies to combat it. The law provides for prosecution of all domestic violence crimes, without the need for a victim to press charges. Penalties range from two to 10 years' imprisonment, depending on the gravity of the crime. The GSGE estimated that only 6 to 10 percent of domestic violence victims contacted the police, and only a small fraction of those complaints went to trial. The GSGE received 2,957 calls from victims of domestic violence since the establishment of the women's abuse hotline in March.

The GSGE, in cooperation with the Ministry of Citizen Protection, trained police on working with domestic violence victims. Despite training efforts the GSGE reported police tended to discourage women from pursuing domestic violence charges, encouraging them instead to undertake reconciliation. NGOs reported that courts were lenient to male offenders in domestic violence cases. Police stations generally had a manual on how police should treat victims of domestic violence.

The GSGE provided counseling and assistance to domestic violence victims. Two GSGE shelters for battered women and their children, in Athens and Piraeus, offered services including legal and psychological help. The GSGE operated a 24-hour emergency telephone hotline for abused women, and the Ministry of Health and Social Solidarity operated a hotline providing referrals and psychological counseling for victims of domestic violence. The municipality of Athens, the Greek Orthodox Church, and a variety of NGOs also operated shelters and walk-in centers and provided counseling and assistance to such victims.

Government statistics on the extent of rape, domestic violence, and spousal abuse were either unavailable or outdated. Data on prosecutions, convictions, and prison sentences for rape and domestic violence crimes were unavailable.

Sexual Harassment.—The law prohibits sexual harassment and provides penalties ranging from two months to five years in prison. The ombudsman for human rights reported a "very low" number of complaints of sexual harassment in 2010, with only 13 cases submitted, all by women. The ombudsman complained that addressing sexual harassment cases was difficult, since there was often a lack of evidence and testimonies to support allegations.

The Center for Research on Gender Equality Issues reported that the vast majority of women who experienced sexual harassment in the workplace did not file charges; some quit their jobs. The center estimated that 30 to 50 percent of working women and 10 percent of working men experienced sexual harassment at their workplaces each year.

Reproductive Rights.—The government generally respected the reproductive rights of couples and individuals. Contraception was widely available in stores and hospitals, and the government respected the rights of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Public hospitals provided services free of charge; consequently, any health issues typically surfaced only after a woman returned to her community, which might have substandard facilities. Both public and private hospitals provided modern skilled attendance during childbirth. Women and men had equal access to diagnostic services and treatment for sexually transmitted diseases.

Discrimination.—Muslim women in Thrace may choose to be subject to Shari'a law as interpreted by official muftis; separately, according to the U.N. independent expert on minority issues, women's rights under family law, property law, and in the judicial system are inferior to those of men. The government recognizes Shari'a as the law regulating the family and civic issues of the Muslim minority in Thrace, with local trial courts routinely ratifying the muftis' decisions. The U.N. independent expert on minority issues in 2009 highlighted that the application of Shari'a in some instances subjected Muslim women to norms incompatible with the constitution, legislation, and international standards. She further noted the situation of women in Romani and Muslim communities was of particular concern. According to the U.N. report, Muslim women experienced severe inequalities in access to education and consequently suffered disproportionately high levels of illiteracy and unemployment.

The NCHR advised the government to limit the powers of the muftis to religious duties and to stop recognizing Shari'a because it could restrict the civil rights of citizens. Muslim female activists claimed that, since the overwhelming majority of Muslim women in Thrace were married under Shari'a, they were obliged to acquire a mufti's consent to obtain a divorce. These decisions were based on interpretations of Shari'a that do not exist in written form and therefore could not be appealed. Members of the Muslim minority in Thrace can also use the services of the country's civil courts.

Apart from the Muslim minority in Thrace, women have rights equal to those of men, and the constitution stipulates gender equality.

The law provides for equal pay for equal work; however, according to Social Security Institute statistics, there was a 28 percent gap between the salaries of men and women in the country in favor of men. Although relatively few women occupied senior private-sector positions, women continued to enter traditionally male-dominated professions, such as law and medicine, in ever larger numbers. Women were underrepresented in labor-union leadership.

Children.—Birth Registration.—Citizenship is derived from one's parents at birth. A single parent can confer citizenship to a child, and the country allows for dual citizenship.

A new citizenship law passed in March 2010 grants citizenship rights to alien children born in Greece whose parents have lived legally and permanently in the country for five years. Alien children born abroad to parents who have lived legally and permanently in the country for five years become citizens upon successful completion of elementary education (six years). Foreigners arriving in the country after the new law took effect must fulfill a seven-year legal residency requirement before they can apply for citizenship, which, together with procedural delays, could stretch the wait to a decade. The fee for citizenship applications was recently reduced to 700 euros ($910) from 1,500 euros ($1,950).

The law gives immigrant children born in Greece the right to apply for long-term residence permits. NGOs estimated that, of the 200,000 foreign children living in the country, only 30,000 could meet the requirements of the law, which include a fee of 900 euros ($1,170), a certificate of completion of the mandatory nine years of education in country, and two parents with legal residence permits.

Education.—Romani children continued to face discrimination in education (see section 6: National/Racial/Ethnic Minorities), with the lack of transportation to some schools preventing their attendance.

Child Abuse.—Violence against children, particularly street and Romani children and undocumented immigrants, remained a problem. The law prohibits corporal punishment and mistreatment of children, but government enforcement was generally ineffective. Welfare laws provide for treatment and prevention programs for

abused and neglected children as well as alternative family care or institutional placement for those in need of it. However, government-run institutions were understaffed, and NGOs complained of insufficient places for all children who needed alternative placement. The deputy ombudsman for children's rights reported that the system of child welfare and protection was deficient overall and did not cover increasing needs. In particular social services were not appropriately staffed to handle serious family problems, and welfare allowances and support for single parent families were insufficient. In addition the deputy ombudsman noted that prosecutors responsible for minors, who legally should take measures to protect children in difficult situations, were overloaded with other duties. Understaffed child protection institutions lacked certification and sufficient qualified staff to provide care to abused, refugee, or drug-abusing children.

According to UNICEF and local NGOs, the majority of street children (often indigenous or Albanian Roma) were exploited by family members, who forced them to work in the streets begging or selling small items. Government efforts to prevent this form of child exploitation were inadequate. While national statistics were unavailable, in 2009 the NGO ARSIS reported finding 638 street children in Athens and Thessaloniki. In 2009 and 2010, according to ARSIS, there was a significant rise in the total number of street children, especially Romani children from Bulgaria and Romania. However, the number of street children from Albania declined.

The deputy ombudsman for children's rights cited serious, persistent problems in the Center for Care of Children of Lechaina (Peloponnese) where, due to a lack of staff, children were sedated, tied to their beds, or even confined in wooden cages to limit their mobility.

Child Marriage.—The legal age for marriage is 18. However, child marriage was common within the Romani community, and there were a limited numbers of marriages of persons under 18 among the Muslim minority in Thrace and Athens, performed with the permission of the prosecutor. NGOs reported that Romani women typically marry and have children at a very early age, reportedly as young as 13. A tradition in the Romani community, child marriages also stemmed from a lack of education and work opportunities.

The state-appointed muftis, who may apply Shari'a in family matters, noted that the marriage of children under age of 15 is not allowed and, in order to protect children, marriages involving minors between the ages of 16 and 18 required a prosecutor's decision.

Sexual Exploitation of Children.—The law criminalizes sex with children under the age of 15. If the victim is under ten years of age, the sentence carries at least ten years imprisonment; if the victim is between 10 and 13, up to ten years; and if the victim is 13 and over, the length of imprisonment is not specified and is determined by the court. The law prohibits the possession and circulation of child pornography, treating it as a felony punishable by five to 10 years' imprisonment.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—Local leaders estimated the Jewish community numbered 5,000. Isolated expressions of anti-Semitism occurred, particularly in the extremist press and some blogs.

In November in response to the forming of the new coalition government that included the LAOS party, some of whose members had previously made anti-Semitic remarks, the Central Board of Jewish Communities in Greece issued an announcement. The announcement emphasized the belief that, while the new government included representatives of a political party whose members had expressed anti-Jewish propaganda, the government would "continue the same policy against racism and anti-Semitism that all previous democratic governments in Greece have maintained. and not allow any violation of the Constitution that provides for the equality of all citizens regardless of race or religion."

LAOS Party leader Georgios Karatzaferis had made numerous anti-Semitic statements in the past, insinuating that Jews planned the September 11 attacks and denying the existence of the Holocaust. Four members of LAOS held various ministerial positions in the interim Greek government. Minister of Infrastructure, Transport and Networks Maroudis Voridis in 1994 formed an anti-Semitic and nationalist party called "Hellenic Front," which in 2005 merged with LAOS. Deputy Minister for Regional Development, Competitiveness, and Shipping Adonis Georgiadis also claimed in 2009 that "all major banks belong to the Jews." Additionally, on his television show Georgiadis publicized Kostas Plevris' anti-Semitic book The Jews—the Whole Truth and was a witness for Plevris in the latter's lawsuit against members of the Greek Jewish community and NGOs, whom he sued for publicly criticizing judges who had earlier acquitted him of inciting hatred and racial violence with his

book. The trial in question of the Greek Helsinki Monitor and Jewish community representatives was postponed.

In April vandals committed an arson attack on a synagogue in Corfu. In May unknown perpetrators desecrated a synagogue in Volos (Central Greece). Unknown perpetrators in June twice desecrated the Holocaust Monument in Thessaloniki with swastikas. In September unknown perpetrators drew anti-Semitic graffiti on a street art composition in Nea Ionia (suburb of Athens).

In December 2010, during an interview on the country's largest television station, Metropolitan of Piraeus Seraphim blamed world Jewry for the country's financial problems and claimed that the Jews themselves orchestrated the Holocaust. The Jewish community, the country's government, and some of Metropolitan Seraphim's coreligionists condemned his comments. Subsequently, in a statement released in January, Metropolitan Seraphim reiterated his belief that the Jews controlled the banking system but stated that Hitler was a "horrible criminal against humanity." His statement also equated Zionism with "Satanism." The government and other church officials immediately condemned the statements.

The government condemned all incidents of vandalism and desecration and provided funds for the restoration of the Chania synagogue damaged in arson attacks in December 2009-January 2010. The police routinely investigated all such instances of vandalism and desecration.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with all known disabilities in employment, education, access to health care, or the provision of other government services. In practice NGOs and organizations for disability rights reported that government enforcement of these provisions was uneven. The law mandates access to buildings for persons with disabilities and special ramps for the sidewalks and means of public transportation; however, authorities enforced this law poorly. Activists for the rights of persons with disabilities reported that, although special ramps for sidewalks were being constructed throughout the country, sidewalks and special ramps were overwhelmingly occupied by parked vehicles, thus hindering accessibility for persons with disabilities. The general lack of accessibility forced such persons to remain at home and led to serious social exclusion. Research by the Polytechnic School of Athens during the year revealed that 69 percent of the country's ports were not accessible to passengers with disabilities. The law allows service animals to accompany blind persons in all mass transit, but blind activists claimed they faced serious problems when attempting to use city transportation with their dogs.

Only 5 percent of public buildings were fully accessible to persons with disabilities, with the majority of these in Athens; even buildings with special ramps did not, for the most part, have accessible elevators or lavatories. The deputy ombudsman for social welfare handled complaints related to persons with disabilities, especially those related to employment, social security, and transportation.

In 2009 the Ministry of Health and Social Solidarity estimated there were 180,000 children with disabilities with special educational needs. The Teachers' Association estimated in 2009 that only 18,500 of these children attended primary school and that of these only 10 percent would attend secondary school, due to a lack of either local special education schools or accessibility. According to NGOs working on this issue, the situation worsened over the year.

The Confederation of the Disabled reiterated during the year that education was not available for persons with serious disabilities, and many such persons were forced either to leave school due to lack of accessibility or to accept a low-quality education at the special education schools. The confederation stated that only two of the 10 universities in Athens were accessible to persons with disabilities and that 80 percent of children in special schools for children with disabilities were housed in buildings unsuitable to their needs.

The Confederation of the Disabled estimated the unemployment rate for persons with disabilities to be 84 percent in 2010 and called unemployment the greatest social problem they faced.

National/Racial/Ethnic Minorities.—According to NGOs, Roma continued to face widespread governmental and societal discrimination, including alleged police abuse or mistreatment while in police custody; regular raids and searches of their neighborhoods for criminal suspects, drugs, and weapons; limited access to education; and segregated schooling. Their dwellings lacked running water, electricity, or waste removal and were at times demolished by municipal authorities. NGOs and representatives of the Romani community reported that government efforts to address these problems were inconsistent, especially at the municipal level.

The law prohibits the encampment of "wandering nomads" without a permit and forces Roma to establish settlements outside inhabited areas and far from permanent housing. There were approximately 70 Romani camps in the country. Local and international NGOs charged that the enforced separation of Romani settlements from other inhabited areas contravened the country's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination. In addition Roma were reportedly threatened with forced evictions.

In his report on human rights the deputy ombudsman for human rights noted that, in addition to the grave housing problem, Roma faced very serious social exclusion and Romani women and children were particularly vulnerable. Very few indigenous Romani children attended school; alien Romani children tended not to go to school at all; and government projects to attract Romani children to education had very limited success. According to statistics from the EU Agency for Fundamental Rights for 2009, only 4 percent of Roma reported having attended school for at least 10 years, and 63 percent were living in segregated conditions, effectively cut off from mainstream society and municipal services.

In February the prosecutor ordered lower courts to take action to combat exclusion of Romani children from education. The lower courts ignored the order. In September the Greek Helsinki Monitor stated that segregation of Romani children in schools was a persistent phenomenon and noted the existence of Roma-only schools throughout the country as well as the refusal of school authorities in a number of areas to allow Romani children access to schools.

Romani children also continued to face social exclusion and lack of access to social services, in part because they accompanied their parents who primarily worked as wandering merchants or engaged in selling scrap materials. According to the deputy ombudsman for human rights, Roma lived in "extremely dangerous and unacceptable shacks" in many areas, and government housing projects for indigenous Roma have been largely unsuccessful.

The life expectancy for Roma was estimated at 55 years (compared to 79 for the rest of the population). Although some progress in vaccinations was made, approximately 90 percent of Romani children were still not vaccinated, and the rate of hepatitis B among Roma was three times higher than among the rest of the population. The incarceration rate for Roma was seven times higher than that of the general population.

Media and NGOs reported multiple attacks on immigrants by far-right extremist groups. NGOs and labor unions expressed deep concern over the rise in racist violence by far-right groups.

Immigrants, who made up approximately 10 percent of the total population of the country, also reportedly faced widespread societal discrimination and accused the police of physical, verbal, and other mistreatment. They reported the confiscation and destruction of personal documents, particularly during police sweeps to apprehend undocumented immigrants.

Migrant groups and NGO activists alleged that violent attacks directed at immigrants took place throughout the year. Perpetrators allegedly launched multiple arson attacks during the year on makeshift mosques in downtown Athens. In one such attack in March, five persons were injured.

Vigilantes, allegedly including members of the far-right group Golden Dawn, launched several attacks against illegal immigrants throughout the year, such as in September against the secretary of the Sudanese community, and in March and September against Pakistanis, Afghans, and other migrants.

The UNHCR sent a letter to the prime minister in September noting its concern over the series of criminal attacks "with the sole criterion being the color of the skin or the country of origin" of the victim.

A number of citizens identified themselves as Turks, Pomaks (Slavic-speaking Muslims), Vlachs (a Balkan minority group speaking a dialect of Romanian), Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or Macedonians. Some members of these groups sought to be identified officially as "minorities" or "linguistic minorities." The government considers the 1923 Treaty of Lausanne as providing the exclusive definition of minorities in the country and defining their group rights. Accordingly, the government recognizes only a "Muslim minority." An officially recognized Muslim minority of approximately 150,000 members resided in Thrace and was composed primarily of ethnic Turkish, Pomak, and Romani communities. Some members of the Pomak community claimed members of the Turkish-speaking community pressured them to deny the existence of a Pomak identity separate from a Turkish identity.

Although the government neither confers official status on any indigenous ethnic group, nor recognizes "ethnic minority" or "linguistic minority" as legal terms, it affirms an individual's right of self-identification. However, many individuals who de-

fined themselves as members of "a minority" found it difficult to express their identity freely and maintain their culture. Use of the terms Tourkos and Tourkikos ("Turk" and "Turkish") is prohibited in titles of organizations, although individuals legally may call themselves Tourkos. Associations with either term in their name were denied official recognition.

The government did not recognize the existence of a Slavic dialect, called "Macedonian" by its speakers, in the northwestern area of the country. Nevertheless, a small number of its speakers insisted on identifying themselves as "Macedonian," a designation that generated strong opposition from other citizens. These individuals claimed that the government pursued a policy designed to discourage the use of their language. Government officials and the courts denied requests by Slavic groups to identify themselves using the term "Macedonian," stating that approximately 2.2 million ethnically (and linguistically) Greek citizens also use the term "Macedonian" to identify themselves.

The U.N. independent expert on minority issues, in a 2009 report, urged the government to withdraw from the dispute over whether there was a "Macedonian" or a "Turkish" ethnic minority in the country. She advised focusing instead on protecting the rights to self-identification, freedom of expression, and freedom of association of those communities and on complying fully with the rulings of the ECHR that associations should be allowed to use the words "Macedonian" and "Turkish" in their names and to express their ethnic identities freely. The independent expert found that those identifying themselves as ethnic Macedonians continued to report discrimination and harassment. Representatives of the minority claimed they were denied the right to freedom of association, citing unsuccessful efforts since 1990 to register the organization "Home of Macedonian Culture" in Florina.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—While the legal age of consent for sexual intercourse is 15, it is 17 for sex between men. The law does not specify an age of consent for sex between women. The NGO Homosexual and Lesbian Community of Greece (OLKE) stated that the higher age of consent for gay men and the lack of any legal framework for lesbian sex constituted discrimination. OLKE also criticized the country's laws against hate speech for not including sexual orientation or gender identity.

The police provided adequate security, and the mayor of Athens sponsored the annual Gay Pride parade in central Athens in June; there were no reports of impediments to the march.

NGOs reported that societal discrimination based on sexual orientation and gender identity was widespread but focused on gay relationships. Transgender persons were exempt from military service on disability grounds.

Other Societal Violence or Discrimination.—Observers indicated that individuals with HIV/AIDS suffered from high social exclusion rates and a loss of employment if they revealed their status.

There were no reports of dismissal from work due to HIV/AIDS during the year. Persons with HIV/AIDS were exempt from military service on medical grounds.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law grants all workers, with the exception of members of the military services, the right to form and join independent unions; allows unions to conduct their activities without interference; and permits workers in the private sector, the government, and parastatal corporations to strike. The law also provides for the right to bargain collectively. Workers and unions exercised these rights freely in practice. No antiunion discrimination was reported during the year. Agricultural employees, most of whom were foreigners, were not unionized.

Police have the right to organize and demonstrate but not to strike. There are some legal restrictions on strikes, including a mandatory notice period of four days for public utility workers (including those in the transportation sector), and 24 hours for workers in the private sector. The law mandates minimum staff levels (as determined by management) during strikes affecting public services. Courts may declare a strike illegal, but they seldom enforced such decisions. Unions complained that this judicial power deterred some of their members from participating in strikes. Courts declared some strikes (of transportation workers, air traffic controllers, garbage collectors, dock workers, and others) illegal during the year for such reasons as the union's failure to give adequate advance notice of the strike or introduction of new demands during the course of the strike, but no workers were prosecuted for striking. During the year numerous strikes involving private and public sector employees, public utility employees, truck drivers, and garbage collectors took place. There were no apparent government impediments to the right to strike.

All workers in the country are covered by collective bargaining agreements except for security and armed forces personnel, whose salaries are determined by the state. Reforms of the labor laws during the year allowed company-level agreements to take precedence over sectoral-level collective agreements in the private sector. Civil servants negotiate and conclude collective agreements with the government on all issues except for salaries, for which the government has a constitutionally provided prerogative. The legislation imposes a salary cap for employees of public enterprises as well as a 10 percent salary cut for salaries above a certain limit. The unions protested the reforms and alleged to the International Labor Organization (ILO) that implementation of the legislation would violate ILO conventions protecting the right to collective bargaining which the country ratified.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forced or compulsory labor, including by children; however, women, children, and men were trafficked for labor exploitation in agricultural and construction sectors. The National Coordination Mechanism to Monitor and Combat Trafficking in Human Beings and the Hellenic Police's antitrafficking unit, among other government entities, worked to prevent and eliminate labor trafficking. In April the antitrafficking police removed 35 Romanians who worked in forced labor conditions harvesting strawberries in the Peloponnese. During the same month the antitrafficking police also dismantled a Bulgarian ring bringing minors and persons with disabilities into the country and forcing them to beg.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—Although the law protects children from exploitation in the workplace and prohibits forced or compulsory labor, the government did not adequately protect children, primarily Roma, who were trafficked for begging, pickpocketing, or selling merchandise on the street.

The minimum age for employment in the industrial sector is 15, with higher limits for some activities. The minimum age is 12 in family businesses, theaters, and the cinema. The Labor Inspectorate enforced these limits by occasional spot checks, and they were generally observed. Younger family members often assisted families in agriculture, food service, and merchandising on at least a part-time basis.

Child labor was a problem. A number of children begged or sold small items in the streets. The government and NGOs reported that the majority of beggars were either indigenous Roma or Albanian Roma. Drawing upon recent Ministry of Education data, local children's advocates estimated that a large number of the 150,000 children under the age of 18 who dropped out of school each year ended up in the labor market, often in poorly paid and arduous positions. Jobs for dropouts included washing cars, pumping gas, construction, and low-level service sector employment.

For some years there were reports that unaccompanied immigrant children, working mainly in the agriculture, construction, and garment manufacturing sectors, were particularly vulnerable to labor exploitation, and the situation remained largely unchanged during the year.

Children from Albania were reportedly trafficked and forced to beg, with some parents forcing their children to beg for money or using them to elicit sympathy while the parents themselves begged.

The Labor Inspectorate is responsible for enforcing child labor legislation; however, trade unions alleged that enforcement was inadequate due to inspectorate understaffing.

d. Acceptable Conditions of Work.—The gross national minimum wage in the private sector was 34 euros ($44) per day and 751 euros ($976) per month. Public sector salaries, including the minimum wage, were determined by the government without negotiations with civil servant unions. The minimum gross salary for the public sector was 780 euros ($1,014) per month. The National Statistical Authority estimated in 2008 (the latest statistics available) that the poverty income level for an individual was 6,480 euros ($8,424) per year. Wages were officially the same for local and foreign workers, but there were numerous reports of exploitation of documented, and even more reports of exploitation of undocumented, foreign workers by employers who paid low wages and made no social security contributions. Workers in the shadow economy, estimated to comprise approximately 25-35 percent of gross domestic product, usually received less than the minimum wage and had no social security coverage. The Labor Inspectorate estimated in September that more than 35 percent of migrants received salaries below the minimum and did not have social security coverage. The law allows employers to pay workers under the age of 25 wages amounting to 84 percent of the national minimum wage.

The maximum legal workweek is 40 hours. The law provides for at least one 24-hour rest period per week, mandates paid vacation of one month per year, and sets

limits on the amount of overtime. Premium pay and authorization by the Ministry of Employment and Social Security are required by law for overtime work. The Labor Inspectorate is responsible for enforcement of labor legislation; however, trade unions alleged that enforcement was inadequate, especially in the construction and public works sectors and in medium and small enterprises, due to insufficient inspectorate staffing. The actual number of labor inspectors was unavailable.

The law provides for minimum standards of occupational health and safety. The General Confederation of Greek Workers characterized health and safety laws as satisfactory but stated that enforcement by the Labor Inspectorate was inadequate. Workers have the right to lodge a confidential complaint with the Labor Inspectorate regarding hazardous conditions or situations they believe endanger their health. Inspectors can close machinery or a process for up to five days if they find safety or health hazards that they believe present an imminent danger to workers.

The labor inspectorate reported 2,184 labor accidents in 2010, of which 19 were fatal.

HUNGARY

EXECUTIVE SUMMARY

Hungary is a multiparty parliamentary democracy. Legislative authority is vested in the unicameral National Assembly (parliament). The parliament elects the president (the head of state) every five years. The president appoints a prime minister from the majority party or coalition following a two-round national election every four years. The last parliamentary elections in April 2010 were assessed as free and fair. The conservative Fidesz-Christian Democrat (KDNP) coalition won a two-thirds majority. Fidesz's prime ministerial candidate, Viktor Orban, took office in May 2010. Security forces reported to civilian authorities.

Among the most important human rights problems during the year were societal discrimination and exclusion of the Romani population and violent right-wing extremism. Discrimination against Roma exacerbated their already limited access to education, employment, health care, and social services. Right-wing extremism, including public campaigns by paramilitaries to intimidate and incite hatred against Roma and other minorities, increased. Also the government began implementing a new law that restricts media freedom by increasing government influence over the media in general. The government also adopted a new Fundamental Law to replace the 1949 constitution, as well as more than 20 cardinal laws. New laws concerning the judicial system, religious organizations, and media freedom gave rise to concerns that the new legislation could undermine the country's democratic institutions by removing key checks and balances. The Fundamental Law and most cardinal laws were to come in to force on January 1, 2012.

Other human rights problems during the year included police use of excessive force against suspects, particularly Roma; new restrictions on due process; new laws that caused concerns over the broad powers of the media regulatory authority, which could encourage self-censorship; government corruption; questionable layoffs of state media employees; societal violence against women and children; sexual harassment of women; anti-Semitism; trafficking in persons; and the adoption of laws that weakened the labor rights of civil servants.

The government generally took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government.

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

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

On July 18, the Budapest Metropolitan Court's Military Panel acquitted 97-year-old Sandor Kepiro, a former officer in the gendarmerie, of war crime charges due to lack of sufficient evidence. In 1944 Hungarian courts convicted Kepiro for his role in the Serbian 1942 Novi Sad massacre in which more than 1,200 persons were killed, most of them Jews. However, his sentence was never carried out. In 2006 the Simon Wiesenthal Center discovered that Kepiro was living in Budapest, and in 2007 the prosecutor's office opened a new case against him. Both the prosecutor and the defendant appealed the July 18 verdict. On September 3, Kepiro passed away, and the appellate court invalidated the verdict on October 21 pursuant to the law on criminal procedure code.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, the Hungarian Civil Liberties Union (HCLU) reported that police often verbally and physically abused suspects of Roma origin in certain areas of the country, most frequently in the northeastern Borsod-Abauj-Zemplen County.

Authorities opened criminal investigations of police misconduct in 224 cases in connection with large antigovernment demonstrations and riots in 2006 in Budapest and other major cities. Prosecutors pressed charges against 36 police officers and terminated the investigation in 175 cases without charges. Courts dismissed charges in 23 cases and found defendants guilty of causing bodily harm in 12 cases. The verdicts were not subject to appeal. One case remained pending at the appellate court and 23 other cases remained under investigation at year's end. On March 15, the chairman of the Human Rights Committee, Istvan Balsai, appointed by the prime minister to be special commissioner in charge of investigating the 2006 demonstrations, completed his 150-page report. The "Balsai Report" cited 15 crimes allegedly committed by police and other state bodies and suggested that political and police leadership, including former prime minister Ferenc Gyurcsany and former Budapest police chief Peter Gergenyi, might be criminally responsible. The report also called for an inquiry into acts committed by the state related to the demonstrations in the fall of 2006. On October 6, parliament's Human Rights Committee presented the report to the Office of the Prosecutor General.

In 2006 the Budapest Military Prosecutor's Office opened the first of the total of 16 investigations based on abuse of authority and maltreatment in official proceedings in connection with the alleged mistreatment and physical abuse of detainees in the Nagy Ignac prison committed during the 2006 demonstrations. At year's end all these investigations were closed without pressing charges due to the lack of evidence.

Prison and Detention Center Conditions.—Overcrowding and poor conditions were the main problems in the prison system.

At year's end there were 17,210 inmates in prisons and detention centers, including 1,237 women and 527 juveniles. The prison population increased to 137 percent of capacity, compared with 132 percent in 2010. The official capacity of the Prison Service is 12,604.

According to the National Prison Service Headquarters, nine inmates committed suicide during the year. In each case, a mandatory investigation cleared prison guards and other prisoners of any responsibility for the deaths.

According to human rights nongovernmental organizations (NGOs), prisoners generally had access to potable water.

The parliamentary commissioner (or ombudsman) for civil rights, Mate Szabo, handles prison complaints in general. On November 24, the government appointed Szabo to the National Preventive Mechanism (NPM) under the Optional Protocol to the U.N. Convention against Torture (OPCAT). The ombudsman has no authority to act on behalf of prisoners.

In a report published on August 2, Szabo criticized placing inmates in special security departments and cells. On September 5, the ombudsman issued two investigative reports on the prisons of Marianosztra and Szombathely. The first report concluded that inmates in Marianosztra were kept in inhuman, humiliating, and dangerous conditions as prison cells were overcrowded, toilets were only separated with curtains, and several inmates were unable to bathe for two weeks after being admitted. The second report concluded that procedures in Szombathely prison violated inmate rights to human dignity and fair procedure by failing to provide proper clothing for the period of solitary confinement and by repeatedly rejecting inmates' legitimate complaints.

The Hungarian Helsinki Committee (HHC) continued to complain that detainees who alleged physical mistreatment usually were only examined by internal medical staff. According to a 2010 order of the national police chief, medical examinations can be conducted in the absence of law enforcement staff only at the request of the detainee or the doctor, and only if permitted by the senior guard supervisor.

The law provides prisoners with a minimum of one 30-minute visit per month. In practice, prison wardens decide the maximum length of visiting time, which at most facilities is one hour. The HHC asserted that the one-hour monthly limit on visits could not be regarded as reasonable access to visitors, especially in the case of pretrial detainees.

The law allowed detainees telephone calls in accordance with the technical capacity of the individual penitentiary. The HHC reported that telephone calls were available in every institution, but their permitted length varied significantly.

Authorities generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged inhumane conditions.

NGOs reported that prisoners and detainees were permitted religious observance. The law provides female prisoners with 37.67 square feet free movement space "if possible," while men are provided with 32.29 square feet.

The government permitted independent monitoring of prison conditions by local and international human rights groups, such as the Hungarian Helsinki Committee, and the media. The HHC announced that it conducted three ad hoc visits to inmates who reported serious complaints and met with prisoners without the presence of prison officials. The Council of Europe's Committee for the Prevention of Torture also was permitted to monitor prison and detention center conditions.

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

Role of the Police and Security Apparatus.—The National Police Headquarters (NPH), which operates under the direction of the Ministry of Interior, is responsible for maintaining order nationwide. Nineteen county police departments and the Budapest police headquarters are directly subordinate to the NPH; city police are subordinate to the county police and have local jurisdiction. Two hierarchically equal units are directly subordinate to the minister of interior: the Counterterrorism Center, which is responsible for protecting the prime minister and the president and for preventing and investigating terrorist acts, including kidnapping and hijacking, and the National Defense Service (NDS). The Hungarian Defense Force is subordinate to the Ministry of Defense and is responsible for external security as well as aspects of domestic security and disaster response.

On January 1, the new NDS commenced operations aimed at eliminating corruption within law enforcement agencies, replacing the former Defense Service of Law Enforcement Agencies. The new NDS had increased authority, including the authority to use covert intelligence tools, and operated under the direct supervision of the minister of interior and the prosecutor general.

Organized citizen groups, such as neighborhood and town watches, played an important role in helping police prevent crime. At the beginning of the year, far-right extremists continued to take advantage of the law to form vigilante groups and conduct patrols in smaller towns in eastern Hungary, apparently to intimidate the local Roma population. On April 23, the government issued a decree providing for fines of up to 100,000 forints ($414) for any failure of local neighborhood watch members to cooperate with the police. On May 2, parliament amended the penal code to increase sentences for unauthorized law enforcement activities. According to the amended code, anyone who organizes an unauthorized law enforcement effort commits an offense punishable by up to two years in prison. On November 29, parliament amended the law in order to require neighborhood watch groups to complete a written agreement with relevant police stations. The prosecutor's office maintained legal control over the operation of the neighborhood watch groups and could initiate legal proceedings at court upon the lack of the written cooperation agreement with the police.

Civilian authorities maintained effective control over police, the NDS, and the armed forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of security forces acting with impunity.

While there were no reports of impunity, the HHC noted that there was a great disparity between the number of indictments of members of security forces alleged to have committed abuses and the indictment of persons alleged to have committed violent acts against officials. In the first six months of the year, only 6 percent of complaints of abuse by members of the security forces resulted in an indictment, while 76 percent of alleged acts of violence against an official person resulted in an indictment. There was also a significant disparity between the conviction rate of members of the security forces charged with a crime (60 percent) and the conviction rate for persons indicted for violence against an official person (96 percent).

The Military Prosecutor's Office is responsible for conducting proceedings involving any member of the armed forces charged with a criminal offense. On November 28, parliament amended the law integrating the formerly independent Military Prosecutor's Office into a united Prosecutor's Office under the supervision of the Central Investigative Chief Prosecutor's Office. The law was scheduled to come into effect in 2012.

In the first nine months of the year, authorities found 3,022 police officers responsible for breaches of discipline, 766 guilty of petty offenses, 283 guilty of criminal offenses, and 10 unfit for duty. In the same period, courts sentenced four police offi-

cers to prison terms, gave suspended sentences to 39, fined 106, and dismissed 12. In the same period, courts convicted 37 officers of corruption. No information was available on the number placed on probation.

Victims of lesser police abuses may complain either to the alleged violator's unit or to the Independent Police Complaints Board (IPCB), which investigated violations and omissions by the police that affected fundamental rights. The five-member body, appointed by a two-thirds majority of parliament, functions independently of police authorities. At year's end the board had received 805 reports from the public. It reviewed 458 complaints (including some cases filed in 2010) and found serious legal violations in 67 and minor legal violations in 33. The board forwarded the 67 cases to the national police chief, who agreed with the findings in two cases, partially accepted the findings in three, and rejected the findings in three. The rest remained pending. The IPCB's authority is limited to making recommendations to the NPH and reporting its findings to parliament.

Arrest Procedures and Treatment While in Detention.—Police may take individuals into "short-term arrest" if they are caught committing a crime, suspected of having committed a crime, subject to an arrest warrant, or unable or unwilling to identify themselves. Individuals who cannot prove their identity with identification documents may be charged with a petty offense. Short-term arrests generally last up to eight hours, but may last up to 12 hours in exceptional cases. Police may detain suspects whom they consider security threats for 24 hours. Police and the prosecutor's office may order the 72-hour detention of suspects if there is a well-founded suspicion of an offense punishable with imprisonment or if the subsequent pretrial detention of the defendant seems likely. If the court does not order pretrial detention within 72 hours, police must release the detainee.

Under certain conditions (such as risk of escape, or hindrance of an investigation), a prosecutor can file a motion with the local court of the district where the accused is taken into custody to request pretrial detention. Pretrial detention ordered by the court lasts until the issuance of a trial court ruling. Detention ordered by an appeals court lasts until the delivery of the final binding decision, but no longer than the length of imprisonment imposed by the trial court's sentence. The HHC continued to criticize the practice of pretrial detention.

On July 4, parliament amended the criminal procedure code, introducing the criminal category of "priority cases," which entered into force on July 13. The amendment reclassifies as priority cases specific criminal acts, such as the abuse of authority; crimes committed in criminal organization; acquisition of unlawful economic advantage; bankruptcy, money laundering, tax and social security fraud; and crimes without statute of limitation (such as crimes against humanity, first-degree murder, kidnapping, violence against a superior or person in authority, acts of terrorism, seizure of aircraft, or mutiny). Authorities may apply special procedures to priority cases, including detaining suspects for up to 120 (instead of 72) hours without court order and banning access to a defense lawyer without judicial review in the first 48 hours of detention. In addition, the prosecutor general can choose in which court to press charges, based on court workload, which could lead, some critics claimed, to "venue shopping."

On August 4, Chief Justice of the Supreme Court Andras Baka turned to the Constitutional Court to challenge the modified criminal proceedings in priority cases. On December 19, the Constitutional Court struck down the new provisions on priority cases, including those that allowed for 120 hours of detention, the ban on access to a defense lawyer in the first 48 hours of detention, and the prosecutor general's power to try priority cases at a court of his choosing. However, on December 30, parliament adopted the Transitional Provisions of the Fundamental Law for the country's new constitution, which reintroduced the prosecutor general's authority to designate the court for cases in order to ensure the fundamental right to a speedy trial, and a balanced caseload throughout the court system. The same law also empowered the president of the newly established National Court Administration Office (OBH) to designate the court for cases in order to ensure the fundamental right to a speedy trial and balanced caseload throughout the court system. The Transitional Provisions of the Fundamental Law is scheduled to enter into force on January 1, 2012.

Police must inform suspects of the charges against them and of the section of the criminal code under which they are charged at the beginning of their first interrogation, which must be within 24 hours of detention. Authorities generally respected this right.

There is a functioning bail system. However, bail is restricted in cases when there is a flight risk. According to the HHC, bail and other alternatives to pretrial detention were underused. HHC claimed that the lack of a monitoring system and devices

is generally the reason for the underutilization of alternatives to pretrial detention, such as house arrest or geographical ban.

According to the law, police must inform suspects of their right to counsel before questioning them. Representation by defense counsel is mandatory when suspects face a charge punishable with imprisonment of more than five years; are deaf, blind, or suffering from a mental disorder; are unfamiliar with the Hungarian language; are unable to defend themselves in person for any other reason; are juveniles; or are indigent and request the appointment of a defense counsel. When defense counsel is required, suspects have three days to hire an attorney; otherwise, the police or the prosecutor will appoint one. If suspects make clear their unwillingness to retain counsel, police or the prosecutor are required to appoint counsel immediately. However, neither police nor the prosecutor are obligated to wait for counsel to arrive before interrogating the suspect. According to human rights NGOs, police routinely proceeded with interrogation immediately after notifying suspects of their right to counsel.

On November 24, the ombudsman published a report urging the National Prison Service Headquarters (BVOP) to eliminate the 1998 BVOP order that permits prison wardens to listen to the first 15 seconds of the telephone conversation between pretrial detainees and defense lawyers with the aim of determining the identity of the person called. The ombudsman found that this order violates the 1996 ministerial decree that prohibits listening to telephone conversations between pretrial detainees and defense lawyers.

The law permits short-term detainees to notify relatives or others of their detention within eight hours unless the notification would jeopardize the investigation. The investigative authorities must notify relatives of a detainee who is under "72 hour detention" of the detention and the detainee's location within 24 hours. NGOs reported that in practice police did not fully comply with this requirement.

Arbitrary Arrest.—According to the Prosecutor General's Office, during the year, there were 88 official complaints of arbitrary detention. The Office of the Prosecutor General rejected 46 complaints, closed the investigation without pressing charges in 37 cases, initiated indictments in four cases, and closed one case with reprimand.

Pretrial Detention.—The HHC reported its concerns that some court decisions ordering pretrial detention were arbitrary even if the detentions were correct procedurally. According to the HHC, some court decisions ordering pretrial detention often were not adequately substantiated with facts, and the arguments put forth by the defense were neither taken under consideration nor mentioned in the decisions.

In December 2010 parliament amended the law permitting the detention of asylum seekers during the entire refugee status determination process. The HHC continued to criticize the government's practice of keeping asylum seekers in immigration detention facilitates. On September 20, the European Court of Human Rights (ECHR) ruled in an immigration detention case submitted by the HHC that Hungary had violated its obligation to avoid arbitrary detention by maintaining the detention even after the applicants were admitted to the in-merit phase of the asylum procedure. According to the HHC, the detention of many asylum seekers still can be regarded as arbitrary according to the principles the ECHR laid down in the judgment, since the practice does not assess individually the need for prolonged detention and detention appears to be ordered automatically (see section 1.e., Regional Human Rights Court Decisions).

Human rights NGOs continued to criticize the 2010 amendment of the law on petty offenses permitting the incarceration of juveniles (under 18) in cases when the juvenile has no income or property and thus cannot be fined as a way of punishment. Alternative sanctions, such as community service or mediation, also do not apply in such cases. Human rights NGOs expressed concern that the law left no alternative to incarceration of juveniles convicted of minor offenses. On January 31, civil rights ombudsman Mate Szabo published a statement emphasizing that the incarceration of juveniles disproportionately and unnecessarily limits their right to personal freedom and personal security. Szabo urged the government to amend the relevant law to prohibit the incarceration of juveniles.

The law provides that persons held in pretrial detention and later acquitted may receive monetary compensation. According to the National Prison Service Headquarters, on December 31, 4,875 persons were being held in pretrial detention. Of these, 1,039 had been incarcerated for six months to a year and 770 had been held for more than a year.

Research conducted in 2008 by the HHC with data from the police and the National Police College indicated that Roma were three times more likely to be stopped for identification checks than non-Roma, although Roma were no more likely to be involved in unlawful activities than non-Roma.

Amnesty.—President Pal Schmitt issued 17 official pardons during the year.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice. The Fundamental Law adopted by parliament on April 25 provides for independent and impartial courts and a fair public trial within a reasonable period.

During the year Supreme Court Chief Justice Baka expressed concern over the independence of the judiciary in connection with the newly adopted nullity law, the law on the mandatory retirement of judges, the amendments to the Criminal Procedure Code (see Arrest Procedures and Treatment While in Detention), and the law on court administration. According to Baka, the nullity law annulled court verdicts in certain cases related to the 2006 antigovernment demonstrations. It violated judicial independence by denying judges the right to consider cases (see section 1.c.). On April 14, Baka, together with five heads of courts of appeal and 15 heads of county courts, issued a joint statement criticizing the mandatory retirement regime, alleging that it could create the possibility for political intervention and reduce judicial independence. The mandatory retirement law, adopted on June 20 and effective in 2012, reduces the age for mandatory retirement of ordinary judges and prosecutors by eight years (from 70 to 62), then gradually increases it to 65 by 2021. Baka also stated that there were no checks and balances on the "unrestricted, nontransparent and incontrollable" power of the president of the OBH.

On November 20, Fidesz submitted a bill to parliament on the Transitional Provisions of the Fundamental Law, which terminated the mandate of the president of the Supreme Court. On December 28, Baka countered that his removal was illegal, asserting that he was forced out of office because he had openly criticized the government's plan to reform the judiciary system.

On November 28, parliament adopted the new law on the organization and administration of courts and another law on statutes and remuneration of judges. The new law on court administration abolished the National Council of Justice (OIT) and transformed the Supreme Court into the Kuria as of December 31. The government declared that the new laws meant to separate judicial and managerial functions, which had been unified under the president of the Supreme Court, who was at the same time president of the OIT. The new concept assigned court management to the president of the OBH, while leaving oversight of the uniform administration of justice with the president of the Kuria. The law stipulated that a two-thirds majority of parliament elects the president of OBH from among judges for a nine-year term. The OBH president's authority includes budgetary and financial management of courts; staffing, appointment, and controlling of court executives; and distribution of caseload and the ability to apportion cases to different courts. The incumbent president of OBH shall remain in the position until parliament elects his or her successor. The new law also established the National Council of Judges (OBT), a primarily consultative body of 15 judges without any substantive decisive power. While the OBT may offer opinions on the decisions of the OBH president and forward its own proposals for consideration, the OBH president is not bound by the OBT's actions.

On December13, parliament elected Tunde Hando (the president of the Metropolitan Labor Court) as president of OBH and Peter Darak (a judge at the Administrative Division of the Supreme Court) as president of the Kuria. Some international and domestic critics observed that Hando is the wife of Fidesz European Parliament member Jozsef Szajer and a close friend of Prime Minister Orban and claimed that her appointment constituted a politicization of the judicial system.

On June 6, parliament amended the constitution to increase the number of Constitutional Court justices from 11 to 15, extend the tenure of new justices from nine to 12 years, and eliminate the possibility of their reelection. The amendment does not affect existing justices. On June 14, parliament adopted a separate constitutional amendment, under which the president of the Constitutional Court would no longer be elected by the majority of court justices but by a two-thirds majority of parliament. On June 27, parliament elected five new Constitutional Court justices (for four new seats and one previous vacancy). All the newly elected justices were nominated by the governing Fidesz/KDNP coalition.

On July 13, the Constitutional Court ruled that it had no power to review the constitutionality of parliament's passage of the new constitution and constitutional amendments. The court also declared that democratic checks and balances, as well as constitutional rights, could be undermined if lawmakers added unconstitutional legal regulations to the constitution in order to circumvent the authority of the Constitutional Court. The ruling noted that, although the recent practice of individual members of parliament submitting amendments to the constitution and cardinal laws met the procedural requirements laid down in the constitution, it challenged the requirements of a democratic state and the supremacy of the rule of law. The

ruling also emphasized that the lack of substantive consultations and parliamentary debates endangered the legitimacy of the constitution.

Human rights NGOs continued to criticize the 2010 law giving additional rights to judicial secretaries (law school graduates employed by the judiciary who have taken the bar examination but have not been formally appointed as judges by the president), such as the right to make decisions in petty offense cases punishable by imprisonment. The NGOs asserted that judicial secretaries were not independent because they were appointed by the head of their respective county court.

Trial Procedures.—The constitution and laws provide for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends these rights to all defendants. The new constitution, effective in 2012, also provides for the right to a fair public trial within a reasonable period of time.

Defendants are presumed innocent until proven guilty. There is no jury system; verdicts are rendered by judges. Judicial proceedings generally are investigative rather than adversarial. Defendants have the right to be present and are entitled to consult with an attorney during all phases of criminal proceedings with the exception of the "priority cases." Representation by defense counsel is mandatory for defendants facing a charge for which the punishment is five years or more in prison, as well as for those in detention. If a defendant fails to retain counsel within three days, police or the prosecutor will appoint one at public expense.

Defendants may challenge or question witnesses and present witnesses and evidence on their own behalf. Defendants have access to government-held evidence relevant to their cases. Defendants have the right of appeal.

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

Regional Human Rights Court Decisions.—During the year, the European Court of Human Rights (ECHR) ruled on 18 cases lodged by citizens against the state. The government paid fines imposed by the ECHR by the set deadline.

On November 3, the ECHR ruled in favor of a Hungarian Workers' Party member. The party member had complained about his conviction for wearing the five-pointed red star, which the Hungarian courts considered a totalitarian symbol, at a demonstration in 2004. On November 4, Speaker of the House Laszlo Kover stated in a press interview that "a couple of idiots in Strasbourg, lacking any idea of what went on in this country for 50 years, think that demonstrating with a red star constitutes a fundamental freedom." Kover also expressed his hope that the law banning the red star would stay in effect and authorities would continue to enforce it.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Under the law, persons may seek damages for human rights violations. If domestic remedies have been exhausted, individuals may submit complaints that Hungary has violated the European Convention on Human Rights to the ECHR.

Property Restitution.—The Constantinople Patriarchy Hungarian Exarchy (the Hungarian branch of the Greek Orthodox Church) continued to demand the restitution of property that the Russian Orthodox community has occupied since the 1950s. When Hungarian courts dismissed the exarchy's claim to the property, the church filed a complaint with the ECHR. The ECHR case was pending at year's end.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

On May 12, the government sent out more than eight million questionnaires to all Hungarian citizens above the age of 16 with questions pertaining to pensions, welfare, and education. Respondents were asked to return the questionnaires to the Central Office for Administrative and Electronic Public Services (KEKKH) by June 15. On June 7, the data protection ombudsman stated that the questionnaires violated the right to privacy, as respondents had no opportunity to reply anonymously. The ombudsman called on KEKKH to delete the personal details (name, address, barcode, signature, and e-mail address) supplied by the respondents from the authority's database. According to the ombudsman, the responses or even the fact that someone had replied to the questionnaire could be classified as a political opinion. On August 16, the ombudsman issued a resolution ordering the deletion of personal data from the questionnaires and prohibiting the creation of illegal database and data management.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The media reflects diverse opinions, and the right to free speech and freedom of the press is provided for by law. However, some observers believe that concerns over

the broad powers of the media regulatory authority and a perceived decrease in judicial independence could create a climate conducive to self-censorship and political influence. The HCLU noted an increasing bias in news reporting by the public media.

Freedom of Speech.—While individuals generally could criticize the government in public or private without reprisal, individuals could be held liable for their published statements or for publicizing libelous statements made by others. Journalists reporting on an event could be judged criminally responsible for making or reporting false statements. Officials continued to use the libel laws to claim compensation for perceived injuries to their character.

The criminal code includes provisions against incitement of hatred and hate-inspired violence. Any person who publicly incites hatred against any national, ethnic, or racial group or certain other groups of the population is guilty of a misdemeanor punishable by imprisonment for up to three years. In addition, any person who verbally assaults someone because of his membership in a national, ethnic, racial, or religious group is guilty of a felony punishable by imprisonment for up to five years. NGOs criticized courts for failing to convict persons for inciting hatred unless the crime was accompanied by a physical assault.

Laws enacted in 2010 broadened the range of views whose expression was illegal to include public denial, doubt about, or minimizing the Holocaust, genocide, and other crimes of the National Socialist and Communist regimes. The law provides that such crimes carry a maximum sentence of three years in prison. In September 2010 the HCLU filed a petition with the Constitutional Court to overturn the law, arguing that it imposes serious restrictions on freedom of speech. The case remained pending at year's end.

The law prohibits the public display of certain symbols. They include the swastika, the hammer and sickle, and the arrow cross, a symbol associated with the country's fascist World War II-era government. The law prohibiting the public display of the five-pointed red star remained in effect despite a 2008 ECHR ruling that declared it to be a violation of the right to freedom of expression. On November 3, the ECHR repeated this judgment in a subsequent case (see section 1.e., Regional Human Rights Court Decisions).

Freedom of Press.—On January 1, a series of new media regulations adopted by parliament in November and December 2010 entered into force, while provisions on print and online media and imposable fines became effective on July 1. The new laws concentrated authority over the media (including linear media services, on-demand media services, print, and online press) in a single state administrative body with wide-ranging authorities.

According to the law, the National Media and Info-communications Authority (NMHH), subordinate to parliament, is the central state administrative body for media issues. The authority of NMHH includes overseeing the operation of broadcast and media markets as well as "contributing to the execution of the government's policy in the area of frequency management and telecommunications." The prime minister appoints the NMHH president for a nine-year term with no limit on reelection. The NMHH president also serves as chair of the five-member Media Council, appointed by parliament to supervise electronic and print media content. The four additional council members are elected to nine-year terms by a two-thirds majority vote of the members of parliament in attendance. The new public service broadcasting system merged the supervisory boards of all state-owned public service broadcasting entities (including the state news agency, MTI) into the newly created Public Foundation for Public Service Media (MTVA) and placed their finances and assets under the control of the new Media Service Support and Asset Management Fund. The foundation is managed by an eight-member Board of Trustees, six of whom are elected for nine-year terms, while the chair and one other member are delegated by the Media Council. The Media Service Support and Asset Management Fund is in charge of promoting national audiovisual culture and public service programs, under the supervision of the Media Council.

Censorship or Content Restrictions.—The laws introduced a new content regulation regime and standards for journalistic rights, ethics, and norms applicable to all media, including news portals and online publications. According to the law, all citizens have the right to be appropriately informed about local, national, and European public affairs, as well as other "events bearing relevance" for citizens. The law prohibits inciting hatred against persons, nations, communities, ethnic, linguistic or other minorities, majority groups, churches, or religious groups. The legislation introduced the institution of "source protection" maintaining the confidentiality of information with respect to criminal proceedings. However, the law provides exceptions to journalists' right to source protection in cases when unauthorized sources

reveal classified information if courts or government authorities rule that such disclosure is "in the interest of protecting national security and public order, or uncovering or preventing criminal acts."

Effective July 1, the Media Council has the authority to impose fines for violations of content regulation, including media services that violate prohibitions on inciting hatred or violating human dignity or regulations governing the protection of minors, public health, public security, national security and consumers and investors. The council may impose fines for violations ranging from 10 to 200 million forints ($41,400 to $828,000), depending on the type of publication and audience size. It may fine individual editors up to two million forints ($8,280). The council can also suspend the right to broadcast for up to a week and is also empowered to render "reprimanding judgments" in cases of content that it considers "unbalanced." Decisions of the Media Council may be challenged in court by lodging a petition against the council, but the complaint shall not delay the Media Council's sanction. Through October 20, the Media Council issued 70 resolutions imposing fines totaling 410 million forints ($1.7 million) on 36 media outlets. Twenty-one media organizations challenged the Media Council's decision in court. All the court cases remained pending at year's end.

On September 5, the Media Council fined the right-wing television channel Echo TV 500,000 forints ($2,070) over a February broadcast of the program "World Panorama," which contained openly racist statements. The presenter spoke of "Gypsies," "Gypsy terrorism," and the "Nazi liberals" whose goal is to "inflict parasitic human-like figures on Hungarians." According to the ruling of the Media Council, the broadcast violated media regulations on respecting human dignity and incitement to hatred.

On December 3, two state-run television channels (MTV and Duna TV) blurred out the face of former Supreme Court president Zoltan Lomnici, who was standing in the background during an interview. Lomnici, the president of the Council of Human Dignity, called the incident the most serious attack on the freedom of press in the previous 20 years. The communications director of the MTVA characterized the incident as "a grave ethical offense" and announced the launch of an investigation to find those responsible. On December 8, MTVA management reprimanded two news editors and one film editor as result of the investigation and both channels apologized for the incident. On December 10, the vice president of the Independent Labor Union of Television and Film Makers (TFSZ), Balazs Navarro Nagy, began a hunger strike to protest the lack of punishment for those responsible for the blurring out Lomnici, later joined by four other current or former employees of the state media. On December 15, the MTI managing director fired the news center director and demoted the deputy editor of the news center, while the managing director of MTVA demoted the editor in chief of the news department. The five persons on a hunger strike continued their protest as their demands were only partially met. On December 27, MTVA fired Navarro Nagy and one other hunger-striking journalist, who was also a union leader, arguing that they had provoked their employer and violated the Media Act and the labor code ban on expressions of political opinion during their demonstration. Navarro Nagy called their dismissal illegal, since, as union leaders, their dismissal would require the consent of their respective unions. On December 28, other unions, civil groups, and opposition parties staged a demonstration protesting the dismissal of the two union leaders by MTVA. The hunger strike and the demonstrations continued until year's end.

During the year national and international human rights organizations continued to criticize the new media laws. Critics particularly emphasized the broad scope of regulatory control of a non-independent administrative body that covers not only broadcasting media but also print, on-demand, and Internet media providers. Domestic civil society groups held several demonstrations to protest against the new media regime in the support of media freedom during the year, including a demonstration on March 15 that attracted approximately 30,000 people in Budapest.

On February 25, EU Commissioner for Digital Agenda Neelie Kroes declared that the wide range of problematic provisions in the country's media legislation result in a narrowing of the space in which the media can operate freely and recommended a comprehensive revision of the media law package as a whole. On February 25 and 28, the Council of Europe's human rights commissioner and the Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media issued their opinions highlighting serious shortfalls in the laws, including the vague content restrictions for all media outlets, harsh sanctions, a mandatory registration system, and a weak regime to protect sources. On March 10, the European Parliament adopted a resolution on the country's media laws, calling on the government to restore the independence of media governance and halt state interference with freedom of expression and balanced coverage.

On March 7, parliament amended some provisions of the media law, removing the requirement for on-demand media content providers to give "comprehensive, factual, up-to-date, objective, and balanced information." In addition, television and on-demand audio-visual media services provided by foreign media were exempt from content sanctions, with the exception of circumvention of law.

On April 5, the visiting U.N. special rapporteur on freedom of expression, Frank La Rue, issued a declaration stating that the media legislation still risks generating a climate of self-censorship.

On July 18, parliament amended the media laws so that penalties levied on media companies could be collected the same way as public debt by the tax authority.

In July the NMHH signed co-regulation contracts with the Association of the Hungarian Electronic Broadcasters, the Hungarian Association of Publishers, the Association of Hungarian Content Providers and the Self-regulatory Advertising Council. From July 1, the four contracted co-regulatory organizations started monitoring press and online media products and on-demand services. Upon the authorization of the Media Council, the co-regulatory organizations handle complaints, and the procedures set by their own code of conduct precede any action by the Media Council. Self-governance can only be exercised regarding those who have either voluntarily assumed membership in a co-regulatory body or have voluntarily subjected themselves to the code of conduct. The co-regulatory bodies must keep a register of membership and of the companies that have accepted the code of conduct. The Media Council may review the procedures of the self-regulatory bodies. There was no information available on how many complaints were addressed by the self-regulatory bodies during the year.

On July 21, the Media Council announced it would begin accepting applications for 10 local radio frequencies, including the Budapest 95.3 MHz frequency used by Klubradio, a left-leaning talk-radio station strongly critical of the government that reached an estimated 300,000 listeners. In the call for applications, the NMHH announced its new preference for radio channels that favor a music format with a focus on local events. Eventually, seven applications were submitted for the 95.3 MHz frequency. On December 20, the Media Council issued its decision to award the frequency to Autoradio, a year-old company with no previous experience in broadcasting. Klubradio appealed the decision to the Budapest Metropolitan Appellate Court. The Media Council cannot sign a contract with Autoradio until the court procedure is completed. Domestic and international media and civil society groups harshly criticized the Media Council decision.

During the year and in 2010, all opposition parliamentary parties, the HCLU, the Association of Hungarian Journalists (MUOSZ), and individual citizens petitioned the Constitutional Court for a constitutional review of the media laws. On December 19, the court issued a ruling striking down elements of the two media laws, including provisions on content regulation, protection of journalists' sources, the obligation to provide data to the Media Authority, and the institution of the Media and Broadcasting Commissioner. The Constitutional Court annulled the effect of the 2010 Act on the Freedom of the Press and the Fundamental Rules of Media Content (SMTV) related to print and the Internet media outlets as of May 31, 2012. The court found that the Media Authority's authority to review content relating to human rights, human dignity, and privacy from print and online media outlets constituted an unconstitutional restriction of freedom of press as there are other possibilities in the legal system to enforce these rights. The effect of this will be to remove print and online media from the jurisdiction of the Media Council. The court voided the restriction on journalists' protection of anonymous sources, striking down a clause of the SMTV according to which journalists are only entitled to protect their sources at court and in official proceedings if the information in question is in the public interest. The court ruled against the clause of the 2010 Act on Media Services and Mass Media (MTTV) granting the Media Council the power to obtain protected information (i.e., information protected by lawyer-client confidentiality) without court approval. Finally, the court struck down the institution of the media and communication commissioner stipulated in the MTTV, stating that the powers granted to the official constituted significant interference in press activity. The Constitutional Court refrained from reviewing the constitutionality of other parts of the two laws also challenged by petitioners.

During the year the NMHH dismissed approximately 900 employees from state-owned media outlets as part of a wide-ranging reorganization and downsizing. On July 12, the European Federation of Journalists (EFJ) and the South and East European Media Organization (SEEMO) issued a joint statement expressing their concern over the dismissals in the Hungarian public broadcasting sector and claimed that some of the layoffs were politically motivated.

In August 2010 a member of the far-right Jobbik faction in parliament, Gyula Gyorgy Zagyva, allegedly harassed and threatened two journalists of the weekly paper Hetek during the Magyar Sziget music festival in Veroce. According to reports, Zagyva, carrying a whip, told the journalists "you should be glad that you were not beaten up." He reportedly also said it was a sign of "Jewish arrogance" that the journalists turned on their tape recorder and that he wanted to "stamp out their guts." Zagyva denied the reports. The Central Investigative Chief Prosecutor's Office launched an investigation on the basis of harassment accompanied by the threat of physical violence. On June 29, parliament waived the parliamentary immunity of Zagyva, and the prosecutor's office pressed charges against him on September 6. The case remained pending at year's end.

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

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

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

Freedom of Assembly.—Under the law, demonstrations do not require a police permit, but event organizers must inform police of a planned assembly in a public place at least three days in advance. The law authorizes police to prohibit any gathering if it seriously endangers the peaceful operation of representative bodies or courts or if it is not possible to ensure alternate routes for traffic. However, police are not required to disband a spontaneous, unauthorized assembly that remains peaceful. Until November 17, police prohibited 51 demonstrations, which represented 1 percent of total announced demonstrations.

During the year, the HHC and other human rights organizations continued to emphasize the need to modify the law on assembly to clarify when police may prevent a public gathering. According to the HHC, the law does not permit police to prevent a demonstration based on an unverified assumption that the demonstrators are highly likely to commit a criminal offense. According to NGOs, the shortcomings of the law sometimes resulted in inconsistent police practices.

On June 24-25, during the official visit of the Chinese prime minister, approximately 10 Tibetan activists organized demonstrations in Budapest in support of Tibet. According to the HCLU and opposition politicians, authorities severely curbed their right of assembly. Media reported that police prevented several protesters from holding Tibetan flags along the route of the Chinese prime minister's motorcade, checked the identity of approximately five pro-Tibet protesters, and arrested one demonstrator. Police did not prevent the pro-China demonstrators from waiving their flags. On June 25, the Office of Immigration and Nationality summoned 79 foreigners legally residing in the country, including Tibetan refugees, for a "routine check" and kept them waiting in the office for approximately five hours. On June 27, Prime Minister Orban stated in parliament that "one can demonstrate but we expect the demonstrations not to want to destroy Hungary's important goals. Hungary needs these ties and these meetings must not be disturbed." On August 4, civil rights ombudsman Mate Szabo stated in a report that police action against the demonstrators violated their rights to free expression and human dignity while the Office of Immigration and Nationality violated the prohibition against discrimination. On July 7, the HCLU filed a complaint with the Budapest Investigative Prosecutor's Office for the alleged violation of the right of peaceful assembly and the abuse of authority. On September 9, the prosecutor's office rejected the complaint based on the lack of offense.

On June 24, the police prevented the pro-Tibet demonstration of five Hungarian citizens planned at ELTE University also in connection with the visit of the Chinese prime minister. On October 11, two of the demonstrators represented by the HCLU filed a complaint with the Budapest Investigative Prosecutor's Office for alleged abuse of authority. In November the prosecutor's office ordered an investigation in the case that remained pending at year's end.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

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

fice of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of refugee status or subsidiary protection, and the government has established a system for providing protection to refugees. Under the law, "subsidiary protection" is defined as protection provided to foreigners who do not satisfy the criteria of recognition as a refugee if there is a risk that, in the event of their return to their country of origin, they would be exposed to serious harm. The law also provides that the office may authorize persons to stay in the country by granting them "tolerated status" consistent with the country's nonrefoulement obligations under international law. While asylum procedures were generally accessible, the HHC reported incidents of police failing to identify asylum seekers in border procedures in mixed migration flows (especially at the Serbian-Hungarian border) and of forced return of persons in need of international protection without the proper assessment of their protection needs or factors of vulnerability. The Office of Immigration and Nationality stated that they did not receive any official complaints of problems.

During the first 10 months of the year, the Office of Immigration and Nationality received 1,284 applications for refugee status and approved 34. The office granted 87 persons subsidiary protection status. During the year the Office of Immigration and Nationality granted 11 persons tolerated status.

Safe Country of Origin/Transit.—The law includes definitions for the principles of "safe country of origin" and "safe third country" (i.e., safe country of transit) including adequate provisions for individual consideration in exceptional cases. In practice, authorities decided on a case-by-case basis whether the country of origin may be regarded as a safe country of origin for the applicant.

The HHC reported that the proportion of asylum applications rejected in pre-admission interviews significantly increased during the year due to the increased application of the safe third country principle in the case of Serbia.

Nonrefoulement.—In law and practice, the government generally provided protection against the expulsion or the return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The HHC reported that the Office of Immigration and Nationality's practices with respect to returning asylum seekers to Ukraine contradicted the UNHCR's 2007 recommendations regarding Ukraine, which the UNHCR assessed cannot be considered a safe country of transit for asylum seekers.

During the year, the HHC criticized the law adopted in December 2010 that permits the detention of asylum seekers during the entire refugee status determination procedure, including the "in-merit" procedure, during which the detailed examination of the asylum case takes place. The HHC asserted that the restrictions contradicted the EU Directive on Return and could not be justified by conditions.

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

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

Elections and Political Participation.—Recent Elections.—The OSCE election observation mission reported that two-round parliamentary elections held in April 2010 were conducted in a manner consistent with international standards and commitments for democratic elections. The elections brought a Fidesz-KDNP coalition back to power with a two-thirds majority.

Participation of Women and Minorities.—The 386-seat parliament elected in April 2010 included 34 women, 20 percent fewer than its predecessor. There were no women in Prime Minister Orban's eight-member cabinet until December 23, when Zsuzsanna Nemeth took the office as the new minister of national development. Women were represented at the subcabinet level. There was one woman on the Constitutional Court elected by parliament on June 6. Due to privacy laws regarding ethnic data, no statistics were available on the number of minorities in the parliament, cabinet, or Constitutional Court.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and NGOs contended that officials often engaged in corrupt practices with impunity.

Corruption in the executive and legislative branches remained a problem during the year, and numerous cases of alleged corruption received significant public attention. According to the World Bank's Worldwide Governance Indicators, government corruption was a problem. Corruption within police agencies remained a problem. Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution.

Members of parliament, the president of the republic, high-level government officials, mayors, and local government representatives have to prepare and publish their assets declarations on a regular basis, as the law requires. In addition, the vast majority of public sector employees, including law enforcement and army officials, judges, prosecutors, civil servants, and public servants, are obliged to prepare assets declarations but are not required to make them accessible for the public. NGOs contended that the regulation was not adequate because there was no effective method for detecting and sanctioning violators.

Several government offices were responsible for combating corruption. The State Audit Office audited the public sector and received reports on campaign spending of political parties but did not assess the accuracy of these reports. Prosecutors, police, and in certain cases the customs and finance guard were responsible for investigating corruption. Special agencies, such as the competition authority and the supervisory body of financial institutions, were responsible for ensuring fair and transparent market conditions. During the year, Transparency International Hungary repeatedly emphasized the need for more effective coordination between the 10 or more institutions involved in anticorruption activities. On June 20, parliament passed a "cardinal law," effective July 1, empowering the State Audit Office to supervise public funds and manage national assets. The new law provided the office with the authority to review the finances of private companies if public funds are used, regardless of the amount. Any company employee who refuses to cooperate with the State Audit Office could be subject to imprisonment for up to three years.

During the year, investigative authorities and courts took actions in several alleged corruption cases of former senior government officials, and the cases were the subject of intense public interest. The government commissioner for accountability and anticorruption, Gyula Budai, forwarded 25 cases to investigative authorities during the year, most on the basis of crime against property and one case based on crime against the purity of public life.

On March 16, the Budapest Military Prosecutor's Office indicted 18 senior officials at the Ministry of Defense, including four generals and 12 current or former staff officers on bribery charges. Four ministry departments, four ministry-owned companies, and 20 outside firms are involved in the case. On June 28, the minister of defense stated in a press conference that more than two billion forints ($8.3 million) was allegedly embezzled from the ministry in the 2005-10 period. The case remained pending at the Kaposvar City Court at year's end.

On September 12, parliament suspended the parliamentary immunity of former prime minister Ferenc Gyurcsany upon the request of the prosecutor general. On October 3, the Central Investigative Chief Prosecutor's Office indicted Gyurcsany on suspicion of abuse of office regarding the Sukoro Casino project. Gyurcsany refused to answer questions and filed a complaint accusing prosecutors of taking part in a "cynical show trial." The case remained pending at year's end.

The constitution and law provide both citizens and foreigners the right to access information held by public bodies, although the public bodies controlling such information may restrict access in order to protect what they determine to be legitimate public interests, as defined by law. Requestors may appeal denials in court within 30 days after the denial or initiate the procedure of the data protection and freedom of information parliamentary commissioner (ombudsman). Public bodies are required to disclose information within 15 days upon receiving the request or provide the requestor detailed reasons for any denials.

On July 11, parliament adopted a new law on the reform of the ombudsman's system. The law, scheduled to go into effect in 2012, abolishes the Office of the Data Protection and Freedom of Information Parliamentary Commissioner and transfers its duties to the new National Data Protection and Freedom of Information Authority. The prime minister nominates the head of the authority, who is appointed by the president to a nine-year term. Transparency International Hungary criticized the elimination of the Office of the Data Protection Ombudsman, claiming that the new authority would not be independent of the executive branch and thus would not be able to protect citizens from breaches of executive power in the field of freedom of information and right to privacy. The data protection ombudsman criticized the change, asserting that the termination and reform of the country's data protection regulations violate EU law.

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

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

Government Human Rights Bodies.—There are parliamentary commissioners (ombudsmen) for civil rights, national and ethnic minority rights, data protection and freedom of information, and future generations. These ombudsmen examined constitutional rights violations and initiated individual or general proceedings to prevent further violations. Following appointment by the president, a two-thirds parliamentary majority confirms the ombudsmen for six-year terms, renewable once. The ombudsmen are responsible only to parliament, which allocates their financial resources and votes on their annual report. The ombudsmen operated without government or party interference and published annual reports, recommendations, and statements during the year.

On July 11, parliament passed a law providing for a new, integrated ombudsman system. The law, scheduled to take effect in 2012, creates the post of a single ombudsman for fundamental rights and two deputies for the protection of interests of national minorities and future generations, respectively. The president nominates the ombudsman for fundamental rights, and the ombudsman has the right to nominate the two deputies. Parliament confirms the three officials for six-year terms, starting in 2012.

The new law provides the new ombudsman with enhanced authority, including the right to initiate proceedings to defend the basic rights of large groups of citizens from violations committed by state-run institutions, banks, businesses, and social organizations. In addition, the new constitution provides that citizens may submit constitutional complaints about laws passed by parliament to the Office of the Ombudsman for Fundamental Rights, who may refer the complaints to the Constitutional Court. On December 9, Attila Peterfalvi became the head of the National Data Protection and Freedom of Information Authority. Mate Szabo, who kept his office as the ombudsman for civil rights, claimed that consolidation of the four ombudsmen into a single position ensures more efficient advocacy of civil rights both at home and at international forums.

Parliament's Committee for Human Rights and Minority, Civil, and Religious Affairs has 21 members selected in proportion to the parties' seats in parliament. The committee debates and reports on human rights-related bills and supervises the human rights-related activities of the ministers.

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

While the constitution and law prohibit discrimination based on race, gender, disability, language, or social status, the government failed to fully enforce these rights in practice.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal, but human rights observers generally considered the problem underreported. Under the law, a sexual assault is considered rape only if it involves the use of force or aggravated threats. Penalties for rape range from two to eight years in prison and can be as long as 15 years in aggravated cases. According to the Office of the Prosecutor General, in the first six months of the year, prosecutors pressed rape charges in 75 cases.

The law does not specifically prohibit domestic violence or spousal abuse. The charge of assault and battery, which carries a maximum prison term of eight years, was used primarily to prosecute domestic violence cases. Under the law, police called to the scene in domestic violence cases may issue an emergency restraining order valid for three days in lieu of immediately filing charges, while courts may issue 30-day restraining orders in civil law cases and a maximum of 60-day orders in criminal procedures. According to women's rights NGOs, the law does not provide appropriate protection for the victims and does not place sufficient emphasis on the accountability of perpetrators. NGOs noted that no protocols or systematic training regarding domestic violence were available for law enforcement personnel, even for the implementation of the police protocol.

Expert research in the field of domestic violence indicated that approximately 20 percent of women have been physically assaulted or victimized by domestic violence in their adult life. However, most incidents of domestic violence went unreported due to fear on the part of victims or prior bad experience with authorities. Prosecution for domestic violence was rare. Prosecuting abusers was difficult because of societal attitudes that tended to blame the victim. According to NGOs, police remained

reluctant to arrest abusers due to a lack of confidence that the judicial system would effectively resolve abuse cases.

The Ministry of National Resources continued to operate a 24-hour hotline for victims of abuse. During the year the ministry reduced the number of state-funded shelters for socially disadvantaged persons, including victims of domestic violence, from 80 to 40. The ministry continued to operate four "halfway houses" around the country available for 16 families for up to five years. According to women's rights NGOs, services for victims of violence against women either operated with limited capacity or did not meet international standards of good practice.

Sexual Harassment.—The law establishes the right to a secure workplace and makes sexual harassment a criminal offense; however, according to NGOs, sexual harassment remained widespread. NGOs contended that the law did not clearly define sexual harassment, leaving victims with a lack of legal awareness or incentive to file a complaint. During the first 10 months of the year, the Hungarian National Police Headquarters recorded 3,884 cases of harassment against woman.

In the first 10 months of the year, the Equal Treatment Authority (ETA), an independent authority set up by the government to monitor enforcement of antidiscrimination laws, received 11 reports of sexual harassment. The ETA found legal violations in seven of the cases, and in four of those it imposed penalties ranging from 500,000 to one million forints ($2,070 to $4,140). Four cases remained pending at year's end.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was relatively easy access to contraception and skilled attendance during childbirth, and national family planning services focused on providing prenatal and postnatal care and counseling.

NGOs long contended that the lack of legal framework regulating the work of independent midwives limited women's access to reproductive health care, as the authorities do not recognize independent midwives as a professional group and could charge them with a crime for their work. On March 2, the government issued a decree allowing women to give birth at home with the assistance of a midwife licensed by the State Medical Office or obstetrician under certain conditions. According to a decree applying to births after May 1, pregnant women aged 18-40 may choose where they prefer to deliver their child, so long as neither the child's nor the mother's life is in danger and a hospital is accessible within 20 minutes' travel.

Women and men were equally diagnosed and treated for sexually transmitted infections.

Discrimination.—Under the constitution and the law, men and women have equal rights. The ETA is responsible for monitoring the implementation of the Equal Treatment Law and for coordinating governmental activities in the field of gender equality. However, NGOs pointed out that the law has no gender-specific provisions and raised concerns about the ETA's lack of financial and human resources, which decreased even further under the restructuring of government ministries.

During the first 10 months of the year, the ETA received 707 complaints, issued 249 decisions, and found 15 complaints of illegal discrimination in the field of employment to be justified. In the "justified" cases, the ETA ordered employers to stop their illegal activities and refrain from further violations. In seven instances, the ETA ordered employers to pay penalties ranging from 50,000 to one million forints ($207 to $4,140).

According to the EU Commission's statistics, there was a 15.7 percent difference between the average gross hourly earnings of male and female employees in 2009. During the year, the ETA found employer discrimination against women in 15 complaints. There was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant or had returned from maternity leave.

Children.—Birth Registration.—Citizenship is acquired by birth from a parent who is a citizen and birth registrations are administered immediately.

Education.—The law provided for free compulsory education for children. On December 19, parliament adopted the law on public education that lowered the mandatory school age from 18 to 16.

On June 7, the National Family and Social Policy Institute published a national survey, which found that 70 percent of Roma had eight years of education or less while 26 percent earned some kind of vocational qualification. Only 5 percent of Romani students completed secondary school, and only 1 percent held a college or university degree.

Segregation of Romani schoolchildren remained a problem. NGOs and government officials estimated that one-third of Romani children were educated in segregated classes and that 20 percent were placed without justification in remedial classes for children with mental disabilities, effectively segregating them from other students. Schools with a majority of Romani students employed simplified teaching curricula, were generally less well equipped, and were in significantly worse physical condition than those with non-Romani majorities.

During the year, the Chance for Children Foundation (CFCF) initiated one lawsuit against the local government and primary school of Gyongyospata. During the year, five other cases initiated by the CFCF in previous years remained pending.

A 2008 European Roma Rights Center report found that Romani children were overrepresented in the child protection system. In the sample of children in professional care institutions, 40 percent were of Romani origin and 18 percent had one Romani parent. In the general population, Romani children accounted for approximately 13 percent of the child population. Romani children had a higher probability of being placed in a children's home rather than in family-like care or a community setting.

Child Abuse.—In the first 10 months of the year, the NPH registered 6,763 cases of "crimes against children."

Sexual Exploitation of Children.—Buying sexual services from a child younger than 18 is a crime punishable by up to three years in prison. The minimum age for consensual sex is 14. According to the law, statutory rape is a felony punishable by imprisonment for two to eight years, or five to 10 years if the victim is under 12 years of age. The law prohibits child pornography, which is punishable by up to eight years in prison. Some girls under the age of 18 engaged in prostitution.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish population was estimated to be between 80,000 and 100,000. While Jewish congregations reported a decline in anti-Semitic incidents, anti-Semitic remarks in public discourse became harsher than they were in 2010.

During the first 10 months of the year, there were 145 reported instances of vandalism of Jewish and Christian properties, 14 in houses of worship, and 139 in cemeteries.

On January 29, three teenagers confessed to vandalizing 75 gravestones in the Jewish cemetery in Marcali on January 23 to "show off their strength to one another." The 14- to 15-year-old culprits caused damage estimated at 1.5 million forints ($6,210). Prime Minister Orban condemned the vandalism, calling the act offensive to the Jewish community and all Hungarians.

The weekly radical magazine Magyar Forum and the official weekly publication of the far-right Jobbik party, Barikad, continued to publish anti-Semitic articles during the year.

There were numerous far-right Web sites available in the country, many of which were openly anti-Semitic and some of which were hosted on foreign Internet servers. NGOs reported that the government monitored the content of these sites to enforce the prohibition against public display of such symbols as the swastika, the hammer and sickle, the five-pointed red star, and the arrow cross.

During the year leaders of the extremist parliamentary party Jobbik and other far-right groups continued to make anti-Semitic statements. On February 14, Jobbik chairman Gabor Vona wore the vest of the banned paramilitary group Magyar Garda in parliament on the opening day of the spring parliamentary session. The Hungarian Confederation of the Jewish Communities in Hungary (MAZSIHISZ) condemned the incident and suggested that Speaker Laszlo Kover amend the parliamentary rules to prevent incidents that violate legal regulations or incite hatred against individuals or groups on religious or racial grounds. On August 4, the leader of the paramilitary group Outlaw Army, Zsolt Tyirityan, gave an inflammatory speech at the far-right music festival Magyar Sziget during which he spoke about an "ongoing war between races" and stated that "one has to become able to pull the trigger of a machine gun, maybe, when seeing a different skin color." On September 16, the Pest County Police Headquarters opened an investigation into the incident, which remained pending at year's end.

During the year the prime minister, cabinet members, and opposition politicians routinely criticized extremist movements, condemned anti-Semitic incidents, and attended events commemorating the Holocaust. The government continued its effort to enhance dialogue and expand coordination with the domestic and international Jewish communities. The state secretary at the Ministry of Public Administration and Justice, Andras Levente Gal, held regular consultations with leaders of Jewish

congregations and NGOs on various issues, including restitution for heirless Jewish properties and Holocaust education in public schools.

On October 6, Budapest Mayor Istvan Tarlos appointed Gyorgy Dorner director of the Uj Szinhaz theater of Budapest. The mayor also appointed playwright and founding member of the far-right MIEP party, Istvan Csurka, as theater superintendent. MAZSIHISZ and other local and international Jewish organizations and professional groups criticized the mayor's decision, citing Dorner's and Csurka's open affiliation with far-right groups. On October 22, approximately 2,000 people demonstrated outside Uj Szinhaz against the appointments. On December 14, the mayor requested the theater not to employ Csurka.

The government continued to support to a seven-day Holocaust education seminar for educators held in November. The seminar was the second element of a three-year educational program aimed at revising Holocaust education in schools.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. However, persons with disabilities frequently faced discrimination and prejudice. Government sources estimated there were 600,000 persons with disabilities, while disability organizations estimated the number to be approximately one million.

NGOs continued to complain about the lack of independent oversight over government-run long-term care institutions for persons with mental disabilities. According to the Hungarian Association for Persons with Intellectual Disabilities, there were 23,000 persons with mental disabilities living in long-term care institutions. There were sporadic reports that employees of such institutions used inappropriate physical restraints on patients. NGOs also noted that there was no legal regulation or government strategy for deinstitutionalization of persons living in such institutions.

The international NGO Mental Disability Advocacy Center (MDAC) criticized the government for failing in its obligation to protect the rights of persons with disabilities who were under the legal guardianship of others, particularly in their access to employment, education, and health care. According to the center, one of the key problems was a lack of alternatives to guardianship for persons with disabilities needing support in making certain decisions. According to NGOs, almost 67,000 adults were under guardianship.

Under the constitution, citizens placed under guardianship by a court immediately lose their right to vote. The new Fundamental Law, which will become effective in 2012, defers to the courts to decide on suffrage for persons with limited mental capacity. The MDAC harshly criticized the "mental ability" provision calling it an "unsophisticated disguise for disability-based discrimination," as it could be applied to people with intellectual disabilities and people with psychosocial disabilities. NGOs noted that polling places were generally not accessible to persons with disabilities and that election materials were not available in easy-to-read format.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities and provides fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities. In 2010 approximately 8 percent of working-age persons with mental disabilities were employed.

Both the central government and municipalities continued to renovate public buildings to make them accessible to persons with disabilities. Under the law, buildings operated by the central government were to have been made accessible by 2010, while those operated by municipalities were given until 2013 to meet the goal. There was no data available on the percentage of government buildings that were not accessible, but NGOs contended many public buildings remained inaccessible. NGOs claimed that the right to public schooling was not honored for children with severe and multiple disabilities because public elementary schools are not obliged to enroll disabled children.

The lead agency for protecting the rights of persons with disabilities is the Ministry of National Resources.

National/Racial/Ethnic Minorities.—The Romani community remained the largest ethnic minority. According to the Central Statistics Office, in 2007 the Romani community accounted for 2 percent of the population, or approximately 200,000 persons. However, unofficial estimates varied widely and suggested the actual figure was much higher, ranging between 500,000 and 800,000 persons. Human rights NGOs reported that Roma were discriminated against in almost all fields of life, particularly in employment, education, housing, penal institutions, and access to public places, such as restaurants and bars.

During the year, right-wing extremist groups continued to incite violence against Roma and held marches around the country aimed at intimidating local Romani communities. Beginning on March 6, far-right activists of the For a Better Future Civil Guard Association donned uniforms and patrolled the town of Gyongyospata with the aim of intimidating the local Roma population. On April 22-24, the paramilitary group Vedero (Defense Force) organized a three-day training camp near the village's Roma neighborhood. On the morning on April 22, some 267 Romani women and children were bussed out of the village in a move that some individuals claimed was an "evacuation," but which the organizer, Red Cross Hungary, asserted was a prearranged camping trip. On April 22, Interior Minister Sandor Pinter visited Gyongyospata, ordered increased police presence in the town, and instructed the police to expel the extremists. The same day, police arrested eight far-right activists and charged them with disorderly conduct. On April 25, the court acquitted five defendants. On April 26, four of the far-right activists who remained in Gyongyospata provoked a fight with the Romani residents. One of the provocateurs suffered serious injuries, while the three others and two local Romani residents suffered minor injuries. The police opened an investigation in the case and pressed charges against two Roma for disorderly conduct committed in a group and in an armed manner.

NGOs accused far-right groups of intentionally provoking ethnic tension in Gyongyospata and asserted that the government failed to protect the local Roma minority against racist provocation. However, the government responded vigorously, adopting legislation in April and May to halt the "uniformed criminal activity" of far-right groups (see section 1.d.).

On March 25, the trial of four persons charged in connection with the 2008-09 serial killings of six Roma, including a father and child who were shot fleeing their burning home, began at the Pest County Court. Three of the defendants were charged with multiple homicides, and the fourth was charged as an accomplice in the killings. The case remained pending at year's end.

According to the HCLU, members of the Romani community were regularly sentenced for minor offenses, such as collecting firewood or minor traffic violations, that were usually ignored when committed by non-Roma. The HCLU asserted that police and municipalities selectively applied laws against the Roma to keep them segregated and restrict their freedom of movement. The Ministry of Public Administration and Justice operated an antidiscrimination legal service network that provided free legal aid to Roma in cases where they encountered ethnic discrimination. However, human rights NGOs complained that the legal offices were located in the larger cities and were inaccessible to Roma living in deep poverty in small villages. The HCLU received reports that the network's lawyers rejected some Roma cases.

During the year NGOs complained that courts increasingly used the provision of the criminal code on racism to convict Roma, whereas the law was designed to protect members of minority groups. On March 3, the Pest Central District Court convicted seven young Roma for what the court ruled was a racist attack on a non-Romani individual by applying the criminal code provision of violence against a member of a community. On October 24, the Budapest Metropolitan Court of Appeal upheld the charge of racist motivation in one case and reduced the charges in the case of six other men to "armed hooliganism," a change that significantly mitigated the legal penalties. The appeals court emphasized in its ruling that lawmakers criminalized violence against member of an ethnic community in order to expand protection of minority groups, not the majority group.

According to the government, approximately 85 percent of working-age Roma were unemployed, and in many underdeveloped regions of the country, the number exceeded 90 percent. On July 11, parliament amended the law on public work stipulating that the unemployed who want to continue to receive benefits cannot reject public work opportunities unless they have small children, need to care for a sick family member, or would require more than three hours to commute to and from work. The new law, effective September 1, also reduced the period for which unemployment benefits are granted from 270 to 90 days and authorized local governments to set up their own preconditions for granting social subsidies. The new National Public Employment Program, launched on September 1 and estimated to cost 60 billion forints ($249 million), provided part-time employment opportunities for 250,000 registered unemployed persons living on social welfare for two to four months. The public works program typically involves cleaning public spaces or work on agricultural or water projects. During the year approximately 302,152 individuals were involved in the various forms of public employment programs, including those run by local governments.

The public education system continued to provide inadequate instruction for minorities in their own languages. Romani language schoolbooks and qualified teachers were in short supply. According to the national survey published by the National

Family and Social Policy Institute on June 7, Roma were significantly less educated than other citizens.

During the fall school season, four Christian churches opened Roma Specialist Colleges in Budapest, Miskolc, Debrecen and Nyiregyhaza providing housing and tutoring for Romani students enrolled in higher educational institutions. During the year 75 Romani students participated in the network of special colleges.

Inadequate housing continued to be a problem for Roma, whose overall living conditions remained significantly worse than those of the general population. According to Romani interest groups, municipalities used a variety of techniques to prevent Roma from living in more desirable urban neighborhoods. In order to apply for EU and government funds for urban rehabilitation and public education projects, municipal authorities must attach to their proposal a desegregation plan outlining planned actions to eradicate segregation in housing and public education. According to a 2010 survey by the Ministry of National Resources, approximately 100,000 seriously disadvantaged persons, mainly Roma, lived in approximately 500 settlements that lacked basic infrastructure and were often located on the outskirts of cities. During the year, the government launched a new program worth 3.5 billion forints ($14.5 million) to rehabilitate these settlements aimed at improving the living conditions of the residents. The government program involved four segregated settlements, accommodating approximately 5,000 people.

During the year the state secretary for social integration at the Ministry of Public Administration and Justice, Zoltán Balog, continued to play a critical role in advancing Roma affairs within the government. The office harmonized the government's inclusion policy as well as that governing Roma-related government programs (e.g., scholarships, Decade of Roma Inclusion Program). The Ministry of National Resources continued to offer financial incentives to encourage schools to integrate Romani and non-Romani children in the same classrooms and to reintegrate Roma inappropriately placed in remedial programs. On September 26, the government established the 27-member Roma Coordination Council, chaired by the minister for public administration and justice and co-chaired by the head of national Roma self-government, Florian Farkas, who was elected on January 20. The new council includes representatives of local Roma self-governments, NGOs, and churches. Most ministries and county labor affairs centers had special officers for Romani affairs focused on the needs of the Romani community.

On November 30, the cabinet approved the National Social Inclusion Strategy. The national strategy identifies specific actions the government aims to take to reduce the percentage of the population living under the poverty line, integrate Roma into the labor market, and increase the level of education of Roma. On December 13, the cabinet adopted the Governmental Action Plan for the implementation of the National Social Inclusion Strategy for 2012-2014. The action plan determines specific tasks, identifies responsible members of the cabinet, and sets deadlines in the areas of child welfare, education, employment, health care, housing, raising awareness, and fighting discrimination against Roma.

On December 19, parliament passed a new law on "nationalities," scheduled to enter into force in January 2012. The new law defines the cultural autonomy of the nationalities and recognizes as collective rights the fostering and enrichment of historic traditions, language, culture, educational rights, as well as establishing and operating institutions and maintaining international contacts.

Roma and the other 12 official minorities are entitled to elect their own minority self-governments to organize minority activities and handle cultural, educational, and linguistic affairs. The president of each minority self-government has the right to attend and speak at local government assemblies.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law on equal opportunity explicitly prohibits discrimination based on sexual preference. The provisions of the penal code on "inciting against a community" and "violence against a member of a community" prohibit certain forms of hate speech and prescribe increased punishment for violence against members of the lesbian, gay, bisexual, and transgender (LGBT) community, albeit without explicit reference to these groups. Despite legal protections, members of the LGBT community continued to be subject to physical abuse and attacks by right-wing extremists. The annual gay pride march was a frequent target of such attacks, although hate crimes were also committed sporadically against LGBT persons. The 2011 march occurred without incident. Law enforcement and other authorities often disregarded the hate element of these crimes, and no protocol or training on the subject exists.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law protects the right of workers to form and join unions of their choice without previous authorization or excessive requirements, conduct their activities without interference, and bargain collectively. With the exception of law enforcement, military personnel, prison guards, border guards, and firefighters, workers have the right to strike. The law permits military and police unions to seek resolution of grievances in court. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

While employers are not allowed to hire temporary workers during a strike, temporary workers hired beforehand are allowed to continue working. Workers at companies performing activities fundamental to the population—such as public transport, telecommunications, water, power, gas, and other energy sector firms—may not strike unless an agreement has been reached on minimum services during a strike. The courts determine the definition of minimum services. National trade unions opposed the law on the basis that the courts lack the expertise to decide on necessary minimum services and that the term "abusing the right to strike" is too vague.

The labor code requires trade unions to represent 65 percent of the workforce (for a single employer) or 50 percent of the workforce (for a group of employers) in order to engage in collective bargaining. Labor unions of law enforcement professionals are not entitled to rights of collective bargaining.

In practice, freedom of association and the right to collective bargaining were generally respected. However, there was anecdotal evidence of unilateral termination of collective agreements. Worker organizations were independent of government and political party interference, but unions reported an enhanced attempt from the government to influence their independent operation. Workers freely exercised the right to strike and collectively bargain, mainly at the company level.

The International Trade Union Confederation expressed concern that judges and prosecutors have the legal authority to interfere with internal trade union matters and that, in practice, trade union registration practices were long and cumbersome.

While the law provides for reinstatement of workers fired for union activity, court proceedings on unfair dismissal cases sometimes took more than a year to complete, and court decisions were not always properly enforced. The Democratic Confederation of Free Trade Unions (LIGA), National Confederation of Hungarian Trade Unions (MSZOSZ), and Co-operation of Trade Unions (SZEF) reported cases of employers intimidating trade union members, transferring, relocating, or dismissing trade union officers, and hindering union officials from entering the workplace.

On July 4, parliament approved the government's decision to replace the National Interest Reconciliation Council (OET) with a National Economy and Social Council (NGTT). The OET, a macro-level tripartite consultation forum of workers, employers, and government representatives, had been responsible for all labor-related matters, including any major economic policy issue with implications for the distribution of state revenues. In contrast, the 32-member NGTT is an advisory body made up of representatives of unions, NGOs, churches, domestic and international business chambers, and scientific groups, with the government present only as an observer. Trade unions harshly criticized the abolition of the OET and asserted that the NGTT was not a feasible substitute for the former tripartite consultation mechanism as the latter's decisions are not binding on the government.

On December 13, parliament adopted a new labor code, scheduled to enter into force in January 2012.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. However, authorities and NGOs reported an increase in labor trafficking cases involving male citizen victims during the year. The country is primarily a country of origin and transit for women and girls trafficked for sexual exploitation and secondarily a source country for men and women trafficked for labor exploitation. Victims of labor exploitation were trafficked internationally from Hungary primarily to the United Kingdom, Spain, Canada, Norway and the United States. Unemployed and low-skilled Hungarian men have become more vulnerable to labor trafficking. This is especially true in the United Kingdom and the Netherlands. A group of Dutch countertrafficking practitioners reported that labor exploitation of Hungarian men is widespread in the northern part of the Netherlands in the agricultural sector. There is a good indication that exploitation of Hungarian men in Western Europe has intensified. According to law enforcement statistics, police initiated investigations in two labor trafficking cases during the year.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits children younger than 16 from working. Children between the ages of 16 and 18 may work under certain circumstances as temporary workers during school vacations. Children may not work night shifts or overtime or perform hard physical labor.

The government effectively enforced child labor laws. Through December the National Labor Safety and Labor Affairs Inspectorate (OMMF) reported that one company employed six children under the age of 15. There was no data available on the amount of the fine imposed on the company. Individuals who identify child victims of labor exploitation are required to report them to the Guardianship Authority.

d. Acceptable Conditions of Work.—The national minimum monthly wage was 78,500 forints ($325). A special minimum monthly wage for jobs requiring the completion of secondary education was 94,000 forints ($389).

The law sets the official workday at eight hours, although it may vary depending on the industry. A 48-hour rest period is required during any seven-day period. The regular workweek is 40 hours with premium pay for overtime and two days of rest. The law prohibits overtime exceeding 200 hours per year and provides for paid annual national holidays. The government set occupational safety and health standards. Labor laws also apply to foreign workers with work permits.

Labor courts, the OMMF and county labor inspectorates monitored and attempted to enforce occupational safety standards set by the government, but enforcement was not always effective. During the year the OMMF employed 428 labor inspectors.

On February 15, the Constitutional Court struck down an act adopted by parliament in December 2010 on the dismissal of government employees. The court's ruling, effective May 31, reasoned that, because the act gave the government the disproportionately broad right to dismiss civil servants without providing an explanation, it violated a number of worker rights. Prior to the ruling, the government dismissed more than 3,200 civil servants (approximately 5 percent of the total number) without justification. On May 23, parliament amended the act to stipulate that civil servants could no longer be dismissed without explanation. However, the new law, effective June 1, provides a number of permissible grounds for dismissal, including if the position becomes redundant because of reorganization, if the employee is over the retirement age, or if the activity involved in the position is no longer necessary. Dismissal may be mandatory if the employee becomes unworthy of holding the position or does not properly fulfill tasks or if the employer loses trust in the employee. The new law also provides for the creation of a government officials arbitration committee to adjudicate appeals of dismissals, scheduled to commence in 2012.

On May 6, the Constitutional Court upheld its earlier decision that the retroactive 98 percent "special tax" imposed on severance packages worth more than 3.5 million forints ($14,500) awarded from 2005-09 was unconstitutional because it violated human dignity, and as a result the tax authority had to provide refunds. The court stated that the provision's effect in 2010 and subsequent years did not violate basic rights because taxes on these later payments were not yet due. On May 9, parliament passed a law imposing the 98 percent special tax on any part of a severance package exceeding two million forints ($8,280) and disbursed since January 2010 to state leaders, members of parliament, notaries, senior officials of state-run companies, and supervisory board members, and on any part of a severance package for other government employees that exceeded 3.5 million forints (14,500). Unions challenged the new law in the Constitutional Court but the court did not issue any new rulings in the matter prior to year's end. During the year the tax authority collected 3.7 billion forints ($15.3 million) in special taxes from citizens.

During the first nine months of the year, 12,122 accidents occurred in places of work, mostly in the mechanical industry. The OMMF registered 59 workplace fatalities most of which occurred in construction work.

ICELAND

EXECUTIVE SUMMARY

Iceland is a constitutional parliamentary republic. The president is the head of state; a prime minister, usually the head of the majority party, is head of government. There is a unicameral parliament (Althingi). In 2008 voters reelected Olafur Ragnar Grimsson as president without opposition. After free and fair parliamentary elections in 2009, the Social Democratic Alliance (SDA) and the Left-Green Move-

ment formed a governing coalition led by Prime Minister Johanna Sigurdardottir (SDA). Security forces reported to civilian authorities.

Domestic violence and abuse of women and trafficking of persons—primarily women for prostitution—to and through the country were the most serious problems reported during the year.

Other human rights problems included instances of authorities holding incarcerated juveniles and adults and pretrial detainees and convicted prisoners in the same cell, the absence of a legal status for transgender persons, and anecdotal evidence of societal discrimination against foreigners and persons who were not ethnic Icelanders.

There were no reports of officials committing abuses in the security services or elsewhere in the government.

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

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

b. Disappearance.—There were no reports of politically motivated disappearances, abductions, or kidnappings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards. The government permitted visits by independent human rights observers. There were no deaths in the prisons or pretrial detention centers.

During the year the daily average number of prisoners was 138, and the daily average number of pretrial detainees was 15. The prison facilities could hold 161 prisoners. The government maintained a separate minimum-security prison for female inmates; however, because so few women were incarcerated (eight on average), some men also were held there. Men held in facilities with women were closely monitored and only interacted with women in the common areas; they did not share cellblocks. Juvenile offenders were normally held in nonprison facilities run and supervised by the Government Agency for Child Protection. In four instances, however, children were held in detention with adults, since there was no separate facility for juveniles in the prison system. Pretrial detainees were held together with convicted prisoners except in those instances when it was deemed necessary to place them in solitary confinement.

Prisoners had access to potable water. Parliament passed legislation in September offering alternatives to prison sentences for nonviolent offenders. These included electronic monitoring for individuals with suspended sentences and expanded use of community service.

When overcrowding in the main prison at Litla-Hraun or in Reykjavik's main pretrial detention facility occurred, pretrial detainees were held in local police station jails. There was a waiting list of approximately 350 persons convicted of crimes but unable to serve their sentences during the year due to a lack of prison space.

The Prison and Probation Administration (PPA) decides whether convicted prisoners who have received a prison sentence of less than six months serve their sentences in community service rather than in jail. The PPA also maintains records to ensure that prisoners do not serve beyond the maximum sentence for the charged offense.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance.

The parliament's ombudsman can, on his own initiative, take up a prison problem, and he did so on several occasions in the past. Authorities permitted prisoners and detainees to submit complaints to judicial authorities and the parliament's ombudsman without censorship and to request investigation of credible allegations of inhumane conditions if they so chose. There were no allegations of inhumane conditions during the year. The government investigated and monitored prison and detention center conditions.

The government permitted independent monitoring of prison conditions by local and international human rights groups, the media, and the International Committee of the Red Cross, but no such monitoring occurred during the year. The government permitted visits by independent human rights observers during the year. In previous years prisoners could, and did, request visits from Prisoners' Friends, a group of volunteers from the Icelandic Red Cross. The volunteers spoke with prisoners and provided them with second-hand clothes upon request. This program was, however, virtually inactive during the year.

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

Role of the Police and Security Apparatus.—The national police maintain internal security. In addition the Icelandic Coast Guard (ICG) carries out general law enforcement duties at sea. The police forces and the ICG both fall under the purview of the Ministry of the Interior.

Arrest Procedures and Treatment While in Detention.—Police may make arrests under a number of circumstances: when they believe a prosecutable offense has been committed, when they see a need to prevent further offenses or destruction of evidence, when they need to protect a suspect, or when a person refuses to obey police orders to move. The law explicitly requires warrants only for arresting individuals who fail to appear at court for a hearing or a trial or at a prison to serve a sentence.

Persons placed under arrest must be promptly informed of the charges against them, and they are entitled to legal counsel upon arrival at the police station, which the government provides for the indigent. Authorities must inform persons under arrest of their rights and bring them before a judge within 24 hours of arrest. The judge determines whether a suspect must remain in custody during the investigation; the judge may grant conditional release, subject to assurances that the accused will appear for trial. There was no functioning bail system.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are generally public but may be closed by judges at the defendant's request or when minors are involved. Defendants are presumed innocent, and courts generally tried cases without delay. Courts do not use juries, but multijudge panels are common. Defendants have access to legal counsel of their own choosing. The government covers attorneys' fees of defendants unable to pay, but defendants who are found guilty are required to reimburse the government. Defendants have the right to be present at their trial, to confront witnesses, to present witnesses and evidence on their behalf, and to participate in the proceedings. They and their attorneys have access to government-held evidence relevant to their cases. At the discretion of the courts, prosecutors may introduce evidence that police obtained illegally. Defendants have the right to appeal, and the Supreme Court handles appeals expeditiously. These rights extend to all defendants without prejudice.

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

Civil Judicial Procedures and Remedies.—Individuals may seek damages for, or cessation of, a human rights violation, and they could appeal decisions to the European Court of Human Rights. A single court system handles both criminal and civil matters. The judiciary was considered independent and impartial in civil matters. Administrative remedies are available as well for alleged wrongs.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibits such actions, and the government generally respected these prohibitions in practice.

Immigration law allows authorities to conduct house searches without a prior court order when there is a significant risk that delay would jeopardize an investigation of immigration fraud. Immigration law also allows authorities to request DNA tests without court supervision in cases where they suspect immigration fraud. There were no reports that DNA testing took place during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

The law establishes fines and imprisonment for up to three months for persons convicted of publicly deriding or belittling the religious doctrines of an active religious organization registered in the country. The law also establishes fines and imprisonment for up to two years for anyone who publicly ridicules, slanders, insults, threatens, or in any other manner publicly assaults a person or a group on the basis of nationality, skin color, race, religion, or sexual orientation. There were no reports that the law was invoked during the year.

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

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

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

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government had no fixed refugee acceptance requirements. In November the chairman of the refugee commission at the Ministry of Welfare publicly criticized the government for not receiving enough refugees. The country received six refugees in 2010, but none in 2009 and 2011. The processing of asylum requests at times took a year or longer.

The minister of justice and human rights appoints the head of the Directorate of Immigration, which is also the adjudicating body of first instance for asylum cases. Some observers asserted that this hierarchy could constitute a conflict of interest because asylum seekers must appeal denials to the Ministry of the Interior. If rejected at that level, however, they can appeal to the courts.

Human rights advocates criticized the law for not specifying which "significant human rights reasons" must underpin granting temporary residence and eligibility for work permits while asylum cases are processed, arguing that the situation created the possible appearance of arbitrary decisions. Observers noted that the law was ambiguous about the criteria for granting and denying asylum. This ambiguity, combined with the small number of approved asylum applications, left unclear what considerations were applied in adjudicating the applications of asylum seekers. The law allows for accelerated refusal of applications deemed to be "manifestly unfounded."

Safe Country of Origin/Transit.—The country adheres to the EU's Dublin II regulation, which allows for the return of refugees and asylum seekers to the first country they entered that is also party to the regulation.

Access to Basic Services.—Human rights advocates criticized the law for not allowing the registration of asylum seekers into the public health care system until six months after their asylum case requests were closed. At the same time, those refugees whom the government decided to receive annually based on a UNHCR assessment of overall resettlement needs (quota refugees) enjoyed access to the system immediately upon entering Iceland.

Nonrefoulement.—The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Temporary Protection.—The law permits the government to provide temporary protection to individuals who may not qualify as refugees. The government has never made use of this authorization.

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

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

Elections and Political Participation.—Recent Elections.—In 2009 the country held parliamentary elections that were considered free and fair. In 2008 the incumbent president was reelected unopposed.

Participation of Women and Minorities.—There were 25 women in the 63-seat parliament. The speaker was a woman as well as five of the six vice speakers. There were four women in the 10-member cabinet, including the prime minister. Two of the 12 Supreme Court judges, including the president of the court, and 17 of 48 district court judges were women. No members of minority groups held seats in either parliament or the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

In April the Supreme Court upheld a district court ruling sentencing Baldur Gudlaugsson, a former permanent secretary of the Ministry of Finance, to two years in prison for insider trading. The court found Gudlaugsson guilty of selling his shares in the bank Landsbanki in September 2008, immediately before the bank's fall, based on insider knowledge. The court also seized the 192-million-kronur ($1.67 million) profit from the share sale.

Most public officials were not subject to financial disclosure laws. Members of parliament are expected, but not required, to report their financial interests to the parliament's presidium for public disclosure. Every member of parliament registered his or her financial interests.

The law provides for public access to government information, and the government provided access in practice for citizens and noncitizens, including foreign media. On occasion the government denied legal requests for information based on reasons of confidentiality. The government provided the legal reasons for denials. Appeals against refusals by government authorities to grant access to materials may be referred to an information committee consisting of three persons appointed by the prime minister. Permanent employees of government ministries may not be members of the committee.

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

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

Government Human Rights Bodies.—The independent parliament's ombudsman elected by parliament monitored and reported to national and local authorities on human rights developments to ensure that all residents, both citizens and noncitizens, received equal protection. Individuals can lodge complaints with the ombudsman about the decisions, procedures, and conduct of public officials and government agencies. The ombudsman may demand official reports, documents, and records; may summon officials to give testimony; and has access to official premises. Government agencies generally responded to the ombudsman's requests for information and documents within a reasonable time. While the ombudsman's recommendations are not binding on authorities, they generally were adopted.

Parliament's General Committee is responsible for legislative oversight of human rights in the country.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status. Various laws implement these prohibitions, and the government effectively enforced them.

Women.—Rape and Domestic Violence.—Rape carries a maximum penalty of 16 years in prison. Judges typically imposed sentences of one to three years. Spousal rape is not explicitly addressed in the law. In previous years the Icelandic Counseling and Information Center for Survivors of Sexual Violence noted that the number of reported rapes consistently rose faster than the number of convictions. According to national police statistics, there were 98 reported rapes in 2010, the latest data available. During that year prosecutors brought 24 cases to trial and obtained a conviction in 13. In 2009 convictions were obtained in eight of the 14 cases that went to trial. Activists continued to complain that the burden of proof in rape cases was too heavy and discouraged victims from reporting acts of rape and authorities from prosecuting them. The government did not respond formally to these concerns.

The law prohibits domestic violence; however, violence against women continued to be a problem. The penalties can range from a fine to 16 years in prison, depending on the type of violence committed. In addition the law permits judges to increase the sentences of persons who commit violence against persons with whom they had

a domestic relationship or other close bond. However, there were no domestic violence cases in which judges actually handed down stronger sentences, and one respected activist expressed concern that sentences were too mild and too few.

Law enforcement agencies reported 203 cases of domestic quarrelling and 295 cases of domestic violence to the state prosecutor's office in 2010, the latest data available. Some observers suggested that many incidents of domestic violence went unreported. In January a study conducted in 2008 for the Ministry of Welfare found that 22 percent of women between the ages of 18 and 80 had suffered violence in a close relationship at some point after the age of 16.

Female Genital Mutilation (FGM).—The law criminalizes FGM. The general penal code stipulates that violations are punishable by imprisonment up to 16 years depending on the impact on the individual's health and the type of violence committed.

Sexual Harassment.—Two laws prohibit sexual harassment. The general penal code prohibits sexual harassment and stipulates that violations are punishable by imprisonment up to two years. The law on equal status defines sexual harassment more broadly as any type of unfair or offensive sexual behavior—physical, verbal, or symbolic—that is unwanted and affects the self-respect of the victim, and is continued despite a clear indication that the behavior is undesired. The law requires employers and organization supervisors to make specific arrangements to prevent employees, students, and clients from becoming victims of gender-based or sexual harassment. Victims of harassment can report incidents to the Complaints Committee on Equal Status. Only employers with 25 or more employees are required to provide their employees with information on the legal prohibitions against sexual harassment in workplaces.

Some local human rights monitors attributed the underreporting of domestic violence and sex crimes to the infrequency of convictions and to traditionally light sentences. In the few cases of domestic violence that went to court, the courts often continued to base sentences on precedent and rarely made full use of the more stringent sentencing authority available under the law. According to statistics from the Icelandic Counseling and Information Center for Survivors of Sexual Violence, in 2010, the latest year for which data was available, 11.4 percent of its clients pressed charges.

In response to concerns regarding the effectiveness of restraining orders, in June parliament amended the law to grant victims of domestic violence the right to have police physically remove perpetrators from the home for up to four weeks at a time. Police can also impose a 72-hour restraining order to prevent the abusers from coming into proximity with the victim, and courts can extend this restraining order for up to a year. Victims of sex crimes are entitled to lawyers to advise them of their rights and to help them pursue charges against the alleged assailants; however, a large majority of victims historically have declined to press charges or chosen to forgo trial, in part to avoid publicity.

During the year, 107 women sought temporary lodging at the country's shelter for women, mainly because of domestic violence. The shelter offered counseling to 191 clients. During the year up to December 19, 116 women sought assistance at the rape crisis center of the National University Hospital of Iceland.

The government helped finance the Icelandic Counseling and Information Center for Survivors of Sexual Violence, the rape crisis center of the national hospital, and other organizations that assisted victims of domestic or gender-based violence. In addition to partially funding such services, the government provided help to immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There were no restrictions on the access to contraceptives and maternal health services, including skilled attendance during childbirth. Women had easy access to prenatal care, essential obstetric care, and postpartum care. Women also used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. Women were diagnosed and treated for sexually transmitted infections equally with men.

Discrimination.—Women enjoy the same legal rights as men, including under the family and property laws and in the judicial system. However, despite laws that require equal pay for equal work, a pay gap existed between men and women. According to a salary survey conducted by the VR, the country's largest commercial and office workers' union, and published in September, women working full time earned 87 percent of the base pay of men who also work full time. The law states that employers and unions should work towards gender equality in the labor market, espe-

cially in managerial positions, and that employers should work towards declassifying jobs as primarily female- or male-oriented. According to the Center for Gender Equality (CGE), the government took steps to attract men to female-oriented jobs and vice versa, with only limited success. The CGE reported that many more men than women are in managerial positions.

The government funded a center for promoting gender equality to administer the Act on Equal Status and Equal Rights of Women and Men. The center also provided counseling and education on gender equality to national and municipal authorities, institutions, companies, individuals, and nongovernmental organizations. The minister of welfare appoints members of the Complaints Committee on Equal Status, which adjudicates alleged violations of the act. The minister also appoints members of the Equal Status Council, drawn from national women's organizations, the University of Iceland, and labor and professional groups. The council makes recommendations for equalizing the status of men and women in the workplace.

As of September 30, the Complaints Committee on Equal Status had decided four cases. In one case the committee found that the prime minister, who is a woman, breached the law on equal status when appointing a male director for the Office of Administration and Community Development at the Prime Minister's Office. In another case, the committee found that a forestry company breached the law on equal status when it terminated a female employee.

Children.—Birth Registration.—A child acquires the country's citizenship at birth if both parents are Icelandic citizens, if the mother is an Icelandic citizen, or if the father is an Icelandic citizen and is married to the child's foreign mother. Registration of birth is prompt. If a mixed-nationality couple had obtained a judicial separation at the time when the child was conceived, however, the child acquires the mother's citizenship. If the child is stateless, he or she can become an Icelandic citizen at the age of three. In both cases the child's access to social services depends on whether he or she has a residence permit in Iceland.

Child Abuse.—In 2010, the latest year for which data was available, local child protection committees, whose work is coordinated by the Agency for Child Protection, received 1,995 reports of abuse, including 1,068 reports of emotional abuse, 525 of physical abuse, and 430 of sexual abuse. The agency operated three treatment centers and a diagnostic facility for abused and troubled minors. It also coordinated the work of 28 committees throughout the country that were responsible for managing child protection problems in their local areas. The local committees hired professionals with expertise in social work and child protection.

The government maintained a children's assessment center to accelerate prosecution of child sexual abuse cases and lessen the trauma experienced by the child. In 2010 the center conducted 55 investigative interviews and 168 exploratory interviews, provided assessments and therapy for 108 children, and performed 17 medical examinations.

The children's ombudsman, who is appointed by the prime minister but acts independently of the government, has a mandate to protect children's rights, interests, and welfare. When investigating complaints, which typically involved physical and psychological abuse and inadequate accommodation for children with illnesses or disabilities, the ombudsman had access to all public and private institutions that housed or otherwise cared for children. The ombudsman was not empowered to intervene in individual cases but could investigate them for indications of a general trend. The ombudsman could also initiate cases at her discretion. While the ombudsman's recommendations are not binding on authorities, generally they were adopted.

Sexual Exploitation of Children.—The law criminalizes statutory rape with incarceration for up to 12 years. The minimum age for consensual sex is 14. The law prohibits child pornography, which is punishable by up to two years in prison.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community is estimated to be fewer than 100 individuals; there is no synagogue or Jewish cultural center.

In September the media reported that Bjork Vilhelmsdottir, the chairperson of the Reykjavik City Welfare Committee, posted the phrase "Jewnited States" on her personal Facebook site to protest U.S. intentions to veto Palestinian statehood in the U.N. Security Council. The chairperson later asserted in a media interview that she had not been aware of the negative connotations of the phrase. There were no reports of any other anti-Semitic acts during the year.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. There were no reports of official discrimination in these areas. The law provides that persons with disabilities receive preference for government jobs when they are at least as qualified as other applicants. However, disability rights advocates asserted that the law was not fully implemented and that persons with disabilities constituted a majority of the country's poor.

The government ensured that persons with disabilities have access to buildings, information, and communications. Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs; that public property managers reserve 1 percent of parking spaces (a minimum of one space) for persons with disabilities; and that sidewalks outside the main entrance of such buildings be kept clear of ice and snow to the extent possible. Violations of these regulations are punishable by a fine or a jail sentence of up to two years; however, the main association for persons with disabilities complained that authorities rarely, if ever, assessed penalties for noncompliance.

The Ministry of Welfare was the lead government body responsible for protecting the rights of persons with disabilities. It coordinated the work of six regional offices that provided services and support to persons with disabilities. It also maintained a diagnostic and advisory center in Reykjavik that aimed to create conditions allowing persons with disabilities to lead normal lives.

National/Racial/Ethnic Minorities.—Immigrants, mainly from Eastern Europe and the Baltic countries, suffered occasional incidents of harassment based on their ethnicity.

Anecdotal evidence suggested that some Icelandic landlords were reluctant or unwilling to rent out residential facilities to persons other than ethnic Icelanders. Anecdotal evidence also suggested that some employers may without reason limit their hiring to native Icelandic-speaking individuals.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The rules of the Icelandic blood donation agency, the Blood Bank, do not allow gay men to donate blood. In February a gay man filed an administrative complaint with the Ministry of Welfare against the Blood Bank for this rule after he had not been allowed to donate blood. In September the ministry ruled that the Blood Bank was correct in following its rules on the grounds that the interests of blood recipients are greater than those of blood donors.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers, including government employees, to form and join independent unions of their choice without previous authorization or excessive requirements. The law allows workers, including foreign workers, to bargain collectively. The law allows unions to conduct their activities without interference and prohibits employer interference in union functions. It also prohibits antiunion discrimination but is silent on whether workers fired for antiunion activity should be reinstated. It does, however, permit fining employers that engage in this practice.

In practice the government protected these rights, and workers exercised them. Labor unions were independent of the government and political parties. Nearly 100 percent of the workforce was covered by collective bargaining agreements. Workers had the right to strike and exercised this right in practice. The government has imposed mandatory mediation when strikes have threatened key sectors in the economy, such as in the fishing industry.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children. However, there were also reports of persons subjected to labor trafficking in the country in the construction, manufacturing, and restaurant industries. Also see the Department of State's Trafficking in Persons Report at www.state.gov/g/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The constitution and law prohibit the employment of persons younger than 16 in factories, on ships, or in other places that are hazardous or require hard labor; this prohibition was observed in practice. Children who are 14 or 15 years of age may work part-time or during school vacations in light, nonhazardous jobs. Their work hours must not exceed the ordinary work hours of adults in the same positions. The Administration of Occupational Safety and Health (AOSH) enforced child labor regulations effectively.

d. Acceptable Conditions of Work.—The law does not establish a minimum wage. The minimum wages negotiated in various collective bargaining agreements applied automatically to all employees in those occupations, including foreign workers, regardless of union membership. While the agreements can be either industry-wide, sector-wide, or in some cases firm-specific, the negotiated wage levels are defined by the kind of position.

The standard legal workweek is 40 hours, including nearly three hours of paid breaks a week. Paid annual holidays include 13 whole days and two half days. Work exceeding eight hours per day must be compensated as overtime. Overtime pay does not vary significantly across unions, but unions determine the terms of overtime pay when negotiating a bargaining agreement with the employer's association. Workers are entitled to 11 hours of rest in each 24-hour period and one day off each week. Under special defined circumstances, employers may reduce the 11-hour rest period to no less than eight hours, but they must then compensate workers with one-and-a-half hours of rest for every hour of reduction. They may also postpone a worker's day off, but the worker must receive the corresponding rest time within 14 days. Foreign workers are entitled to the same protections in terms of working time and rest periods as citizens. The AOSH enforced these regulations. There were indications that undocumented foreign workers—primarily men in the construction and restaurant industries—were underpaid and required to work long hours while living in substandard housing or even sleeping at building sites. Most sources stressed that the men willingly worked illegally to earn more than they might have expected in their Eastern European or Baltic home countries.

The law sets health and safety standards, and the Ministry of Welfare administered and enforced them through the AOSH, which conducted both proactive and reactive inspections. The AOSH employed approximately 25 labor inspectors, and it effectively enforced standards in all sectors. The AOSH can, and did, levy daily fines on companies that do not follow instructions urging them to improve work conditions. During the year labor inspectors in hazardous sectors assumed greater responsibilities in promoting accident prevention. Also in 2011 the AOSH emphasized the enforcement of a regulation applying to children and teenagers working in the fish-processing industry. The ministry can close workplaces that fail to meet safety and health standards. Workers have a collective, but not individual, right to refuse to work at a job that does not meet occupational safety and health criteria. Violations of OSH standards occurred in all sectors; however, in 2011, they occurred most frequently in the fish-processing industry. Young workers and employees who do not understand or speak Icelandic and do not know Icelandic rules and regulations are more likely to be subject to hazardous or exploitative working conditions. Foreign employees and unskilled laborers are more likely to be victims of workplace accidents. In 2010, the latest year for which data was available, the AOSH reported three workplace fatalities and 1,174 accidents. Violations of wage and overtime standards were most common in the restaurant and hospitality sector.

IRELAND

EXECUTIVE SUMMARY

Ireland is a multiparty parliamentary democracy with an executive branch headed by a prime minister, a bicameral parliament (Oireachtas), and a directly elected president. The country held free and fair parliamentary and presidential elections in February. Security forces reported to civilian authorities.

The principal human rights problems were related to conditions in older prisons and detention facilities, some of which failed to meet basic needs for hygiene and sanitation. In addition, some prisons were overcrowded.

Other human rights problems reported were: trafficking in persons; discrimination against racial minorities, immigrants, and an indigenous nomadic group called Travellers; domestic violence; and the mistreatment of children.

The government took steps to prosecute officials who committed human rights abuses, including in the security services and elsewhere in the government.

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

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

On April 3, Police Service of Northern Ireland Constable Ronan Kerr, a Catholic, was killed by a booby-trap bomb placed under his car at his home in Omagh, Northern Ireland. Following a three-month, cross-border search, police arrested five alleged members of a dissident republican splinter group for the crime. Press reports

suggested that these groups, which rejected the peace agreement in Northern Ireland and sought the full reunification of the island, actively targeted Catholic members of security forces to hinder "normalization" in Northern Ireland. At year's end the trial was still pending.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

In 2010, Garda Siochana Ombudsman (GSOC) received 2,258 complaints from the public, of which 722 were inadmissible. The complaints contained 4,931 allegations of misconduct by police, of which 1,087 were deemed inadmissible. The reasons for inadmissibility varied from complaints being outside the six-month time limit to infractions being deemed by GSOC to be frivolous or of such minor concern that the issuance of a warrant to investigate was not unnecessary. The largest number of allegations against police related to abuse of authority, followed by neglect of duty. Approximately 15 percent of the allegations were for nonfatal offenses against a potential detainee. The overall number of complaints and allegations against police officers decreased approximately 15-25 percent from 2009.

On October 2, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report of its February 2010 visit to the country's police detention centers, prisons, and mental institutions. Most of the detainees that the committee interviewed in detention centers indicated they had been treated correctly, but a number stated that officers had verbally or physically mistreated them. The alleged physical abuse consisted mostly of kicks, punches, and blows with batons to various parts of the body. It took place mainly at the time of arrest or during transport to a Garda station. In interviews with convicted prisoners, the CPT reported allegations that officials engaged in physical mistreatment consisting mostly of punches and kicks to the body. Guards also reportedly verbally abused, including with racist comments, members of the Traveller community and foreigners. This was particularly a problem at Cork Prison, where such treatment seemed to be particularly prevalent during removal of the prisoners to the segregation unit, a separate area where HIV-positive prisoners and serious drug and criminal gang members were held.

Prison and Detention Center Conditions.—While many prisons met international standards, some of the country's older prisons failed to meet prisoners' basic hygiene and sanitation needs. On October 2, the CPT reported that some prisoners in Portlaoise Prison had no sanitary facilities in their cells and were forced to use chamber pots in a process known as "slopping out" and that the ventilation in Cork and Mountjoy prisons was inadequate. Prison overcrowding was a problem. The 2010 Irish Prison Service cited a number of cases of prisons exceeding their bed capacity.

The government permitted visits by independent human rights observers.

Human rights groups continued to criticize understaffing and working conditions at the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities.

During 2010 a total of 13,758 people, including 1,701 women and 234 juveniles, were in some form of detention. The prison population averaged 4,500 inmates a day. At times authorities held detainees awaiting trial in the same facilities as convicts. Although the country maintained separate facilities for children and young adults, in certain specific circumstances, including the need for higher security, authorities held a small number of 17 year olds together with young adults. There were no reported instances of detainees awaiting trial being held together with convicts.

Prisoners had access to visitors, were permitted religious observance, and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions.

The government permitted monitoring by independent, nongovernmental authorities.

Prisoners had access to potable water. There is a prison ombudsman. In recent years the country has taken advantage of early release programs to deal with prison overcrowding. Women prisoners experienced the same conditions as men. The government took limited steps to improve prisons, including early parole programs to lessen prison overcrowding.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Garda is the national police force and maintains internal security. It is under the control of the Ministry of Interior.

Ireland's Defense Forces are responsible, under the supervision of the Ministry of Defense, for external security, but also have some domestic security responsibilities. The Defense Forces are authorized to act when necessary in support of the Garda.

Civilian authorities maintained effective control over the Garda and the army. The government has effective mechanisms to investigate and punish abuse and corruption. While there were no reports of impunity involving the security forces during the year, there were isolated problems of minor abusive behavior, which the government investigated and punished.

Arrest Procedures and Treatment While in Detention.—An arrest typically requires a warrant issued by a judge, except in situations necessitating immediate action for the protection of the public. The law provides the right to a prompt judicial determination of the legality of the detention, and this right generally was respected in practice. Authorities must inform detainees promptly of the charges against them and, with few exceptions, cannot hold them longer than 24 hours without charge. For crimes involving firearms, explosives, or membership in an unlawful organization, a judge may extend detention for an additional 24 hours upon a police superintendent's request. The law permits detention without charge for up to seven days in cases involving suspicion of drug trafficking, although police must obtain a judge's approval to hold such a suspect longer than 48 hours.

Upon their arrest, the law permits detainees and prisoners prompt and unrestricted access to attorneys. If the detainee does not have an attorney, the court will appoint one. The law allows detainees prompt access to family members.

The law requires that authorities bring a detainee before a district court judge "as soon as possible" to determine bail status pending a hearing. Bail is used; a court may refuse bail to a person charged with a crime that carries a penalty of five years' imprisonment or more or when continued detention is deemed necessary, to prevent the commission of another serious offense.

There were no amnesties during the year.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The law provides "for special criminal courts," where juries are not used, when the director of public prosecutions certifies a case to be beyond the capabilities of an ordinary court. A panel of three judges, usually including one high court judge, one circuit judge, and one district judge, hears such cases. They reach their verdicts by majority vote. Apart from trial-by-jury, defendants in the special courts enjoy all of the due process protections available to other defendants. Their trials are public.

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

Civil Judicial Procedures and Remedies.—The independent and impartial judicial system hears civil cases and appeals on civil matters, including damage claims resulting from human rights violations. Such claims may be brought before all appropriate courts, including the Supreme Court. Individuals could appeal decisions to the European Court of Human Rights.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system act jointly to ensure freedom of speech and of the press.

Freedom of Speech.—The constitution prohibits blasphemy. The nongovernmental organization (NGO) Reporters without Borders criticized a new law that entered into effect in January 2010 "updating" this long-held constitutional provision. The law defines blasphemy as publishing or uttering "matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion." The law permits defendants to argue "genuine literary, artistic, political, scientific, or academic value" as a defense. There has been only one prosecution for blasphemy since 1855.

Freedom of Press.—The independent media were active and expressed a wide variety of views without restriction. The law proscribes words or behaviors that are likely to generate hatred against persons in the country or elsewhere because of their

race, nationality, religion, national origins, or sexual orientation. The law empowers the government to prohibit the state-owned radio and television network from broadcasting any material "likely to promote or incite to crime or which would tend to undermine the authority of the state." Authorities did not invoke these prohibitions during the year..

Censorship or Content Restrictions.—The Censorship of Publications Board has the authority to censor books and magazines it finds indecent or obscene. The board did not exercise this authority during the year. The Irish Film Classification Office (IFCO) must classify films and videos before they can be shown or sold; it must cut or prohibit any film that is "indecent, obscene, or blasphemous" or which tends to "inculcate principles contrary to public morality or subversive of public morality." During the year the IFCO did not prohibit any films or videos.

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

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/index.htm.

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

The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country's active asylum system provides process to refugees; those who receive a negative result can appeal the decision.

Safe Country of Origin/Transit.—The country employs the Dublin Regulation that returns asylum applicants to a "safe country of origin." Provisions were made in exceptional cases.

Durable Solutions.—The government operated a resettlement program that accommodates up to 200 persons per year on referral from the UNHCR or identified through selection missions to existing UNHCR refugee operations.

Temporary Protection.—The government provided temporary protection to individuals who may not qualify as refugees and did so for approximately 100 persons during the year.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections and universal suffrage.

Elections and Political Participation.—Recent Elections.—Observers reported that the parliamentary and presidential elections were free and fair. Political parties could operate without restriction or outside interference.

Participation of Women and Minorities.—There were 25 women in the 166-seat parliament (Dail Eireann) and 18 in the 60-seat senate (Seanad Eireann). The outgoing president of the republic was a woman, as were two of the 15 government ministers. There were two female candidates for the presidency. The chief justice of the Supreme Court, the director of public prosecutions, and the attorney general were women. There were no minorities in the lower house, the senate, or the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Public officials were subject to financial disclosure laws. The Revenue Commission in the Department of Finance is responsible for identifying and combating government corruption.

The law provides for public access to government information and requires government agencies to publish information on their activities and make such information available to citizens, noncitizens, and foreign media upon request. Authorities generally granted public information requests and did not charge prohibitive fees. There were mechanisms for appealing denials.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The government met with major local human rights NGOs and was responsive to them.

Government Human Rights Bodies.—The Irish Human Rights Commission (IHRC) was established to promote and protect those rights of all persons living or present in Ireland. One of the IHRC's functions is to recommend to the government how human rights standards should be reflected in legislation, policy, and practice as well as carrying out inquiries surrounding human rights concerns. The country also has an ombudsman to regulate press matters.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions. Discrimination against racial and ethnic minorities, including immigrants and Travellers, remained a problem.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and the government enforced it. During the year there were 458 rapes among the 1,937 sexual offenses reported to the authorities. The police and judicial authorities showed no reluctance to investigate and prosecute rape or sexual assaults, and most persons convicted received prison sentences of between five and 12 years. According to the most recent report by the director of public prosecutions, there were 131 prosecutions for sexual offenses in 2010, resulting in 60 convictions.

The law criminalizes domestic violence, but such violence continued to be a problem. The law authorizes prosecution of a violent family member and provides victims with safety orders that prohibit a person from engaging in violent actions or threats and orders that bar an offender from entering the family home for up to three years. Victims may apply for interim protection while courts process their cases. Violations of these orders are punishable by a fine of up to 1,900 euros ($2,470).

Sexual Harassment.—The law obliges employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. The Employment Equality Act 1998 obliges all employers to prevent sexual harassment at work. Sexual harassment is considered as such when committed by a fellow worker, boss, client, customer or any other business contact. Under the act, an employer may also be held responsible if sexual harassment takes place outside the place of employment but the victim is treated differently at work because of rejection or acceptance of the harassment. The country's Equality Authority is responsible for the preventing sexual harassment and is generally viewed as effective. However, the Equality Authority reported a 60 percent increase in allegations of suspected discrimination in 2010.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so, free from discrimination, coercion, and violence. Women had access to contraception and skilled attendance during childbirth. According to information compiled by international organizations, the maternal mortality rate in 2009 was approximately three deaths per 100,000 live births. The neonatal mortality rate was approximately four deaths per 1,000 live births. Women were not subject to coercive family planning. Men and women were diagnosed and treated equally for sexually transmitted infections. There were no legal barriers that prevented women from taking advantage of these services.

Discrimination.—Women have the same legal rights as men, including rights under family law, property law, and in the judicial system. However, inequalities in pay and promotions persisted in both the public and private sectors. The law obliges employers to prevent sexual harassment and prohibits dismissing an em-

ployee for making a complaint of sexual harassment. The Equality Authority investigates claims of unfair dismissal and may require an employer to reinstate the employee or pay the employee up to 104 weeks' pay. Authorities effectively enforced the law in the cases of reported sexual harassment.

Children.—Birth Registration.—A person born after 2004 on the island of Ireland, including Northern Ireland, is automatically an Irish citizen if at least one parent is an Irish citizen, a British citizen, a resident of either the Republic of Ireland or Northern Ireland entitled to reside in either without time limit, or a legal resident of the Republic of Ireland or Northern Ireland for three out of the four years preceding the child's birth (excluding time spent as a student or an asylum seeker). Births are registered immediately. Failure to register birth, and the corresponding lack of proof of citizenship, could lead to the denial of public services.

Child Abuse.—The law proscribes any person from engaging or attempting to engage in a sexual act with a child under age 15; the maximum sentence is life imprisonment. The law also criminalizes engaging or attempting to engage in a sexual act with a child under 17. The maximum sentence in these cases is five years' imprisonment, but a maximum sentence of 10 years can be given if the accused is a person in authority, such as a parent or teacher.

On July 13, the Ministry of Justice's Commission of Investigation into the Roman Catholic Diocese of Cloyne published its report on the handling by church and state authorities of allegations against clerics of child sexual abuse from 1996 to 2009. The commission investigated 40 reports of clerical sexual abuse of minors in the Diocese of Cloyne involving 32 priests and found that the response of diocese authorities was gravely inadequate and did not adhere to the basic protections in place for minors articulated by the Irish bishops in the 1997 Framework Document or Irish civil and criminal law. The report criticized the Diocese of Cloyne for not reporting immediately credible allegations of clerical sexual abuse to civil authorities or in some cases not reporting them at all. It also criticized the Health Services Executive, which maintained that there was no need for further investigation even after credible evidence of the sexual abuse of minors came to its attention.

Sexual Exploitation of Children.—A maximum penalty of life imprisonment may be imposed for child trafficking and taking a child for sexual exploitation. A person convicted of meeting a child for the purpose of sexual exploitation faces a maximum penalty of 14 years' imprisonment, and the law provides that a person convicted of allowing a child to be used for child pornography may be sentenced with a fine of up to 31,000 euros ($40,300), up to 14 years' imprisonment, or both. The maximum penalty is 1,900 euros ($2,470), a year's imprisonment, or both, for producing, distributing, printing, or publishing child pornography.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—According to the 2006 census, the Jewish community numbered 1,930 persons. There were few reported acts of anti-Semitism during the year.

The Ireland Palestine Solidarity Campaign posted comments on the Israeli Embassy's Facebook page in November that called the Israeli government "fascist" and "genocidal." Subsequently, the campaign disrupted the Israeli Embassy-sponsored Israeli Film Days festival scheduled at the end of November by smashing windows and threatening the organizers. Responding to this, the deputy prime minister (who is also foreign minister) condemned acts of intimidation and offered to hold the festival in government buildings. He also attended and spoke at the opening of the festival. During the film festival, there were reports of protesters shouting anti-Israel and anti-Semitic comments; police officers removed approximately 50 protesters from the event.

In December, Ireland became a member of the International Task Force on Holocaust Education, Remembrance, and Research.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental, disabilities in employment, education, access to health care, or the provision of other state services; the government effectively enforced these provisions. The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications. The National Disability Authority has responsibility for setting and implementing disability standards, as well as directing disability policy.

National/Racial/Ethnic Minorities.—The law prohibits discrimination based on language or social status, and the government enforced the law. In spite of this, so-

cietal discrimination and violence against immigrants, and racial and ethnic minorities continued to be a problem.

There were racially motivated incidents involving physical violence, intimidation, graffiti, and verbal slurs, particularly against the country's African population. In one recent case, Darren Scully, the mayor of Naas, County Kildare, said during a radio interview that he would no longer meet with constituents of African origin. Scully was widely condemned for his statement and later apologized for his comments and resigned from his seat. NGOs reported problems with landlords refusing to rent property to persons who were not born in Ireland. NGOs reported that immigrants, particularly those of African descent, suffered unemployment disproportionately during the economic downturn.

According to the 2006 census, 22,369 persons identified themselves as members of an indigenous nomadic group called Travellers, with a distinct history and culture. Despite applicable antidiscrimination laws and longstanding government policies to redress imbalances, Travellers faced societal discrimination and occasionally were denied access to education, employment, premises, facilities, and basic services. However, Travellers also received substantial funding from the government, particularly for education and housing.

The law obliges local officials to develop accommodations for Travellers and to solicit Traveller input into the process. Traveller NGOs asserted that many communities provided Travellers with housing that was inconsistent with the nomadic Traveller lifestyle, or provided transient caravan-camping sites that did not include basic amenities such as sanitary facilities, electricity, and water.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—A large number of cities and towns celebrated lesbian, gay, bisexual, and transgender pride events with parades and festivals. The government endorsed these activities and provided sufficient protection.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS or against other groups not covered above.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers with the right to form and join independent unions, conduct legal strikes, and bargain collectively, and these rights were respected in practice. The law prohibits anti-union discrimination and provides for reinstatement for workers fired for union activity. Police and military personnel may form associations, but technically not unions, to represent them in matters of pay, working conditions, and general welfare.

The law allows unions to conduct their activities without government interference, and this right was exercised in practice. The law provides for the right to strike, except for police and military personnel, and workers exercised this right in both the public and private sectors. Labor unions have the right to pursue collective bargaining and in most instances did so freely; however, the law did not require employers to engage in collective bargaining, and they did not encourage it. There were no reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that of children, although there were reports that such practices occurred. NGOs alleged that men and women were subjected to forced labor within the country in construction, commercial fishing, as domestic servants in private homes, and in agriculture. Women and girls were subjected to sex trafficking; there were reports of children subjected to forced begging and forced labor in restaurants and domestic service. There were reports of children subjected to commercial sexual exploitation, forced begging, and forced labor in restaurants and domestic service.

To combat and increase awareness of labor trafficking, the government cooperated with the International Labor Organization in its antitrafficking initiative and formed a labor-exploitation working group with participants representing trade unions and employer organizations.

See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of children under age 16 in full-time jobs. However, employers may hire children ages 14 or 15 for light work on school holidays as part of an approved work experience or educational program. Employers may hire children over age 15 on a part-time basis during the school year. The law establishes rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late

night work, and requires employers to keep detailed records of workers under age 18. The Office of the Labor Inspectorate at the Department of Enterprise, Trade, and Employment is responsible for enforcement and was generally effective.

The government implemented laws and policies to protect children from exploitation in the workplace, and these laws were effectively enforced.

d. Acceptable Conditions of Work.—The national minimum hourly wage was 8.65 euros ($11.20). Approximately 6 percent of the population is below the poverty level for a family in Ireland; the official poverty rate was 10,831 euros ($14,080) a year. During the year reports persisted that the pay of foreign migrant workers was at times below the minimum wage, particularly in the rural agricultural and construction sectors. Laws establishing and regulating wage levels do not explicitly cover foreign migrant workers. The standard workweek is 39 hours. The law limits industrial sector to nine hours per day and 48 hours per week. The law limits overtime work to two hours per day, 12 hours per week, and 240 hours per year. The government effectively enforced these standards. Although there is no statutory entitlement, premium pay for overtime could be arranged between employer and employee.

The gray or informal market for labor is small. While largely undocumented and not reported, the agriculture and services sectors have historically had the most informal labor representation. However, recent reports indicated that the underground economy, which encompassed everything from narcotics to cash-only employment, may be growing as the country deals with a prolonged economic slump.

The government operated an agency independent of the Department of Enterprise, Trade, and Employment that monitored employment practices. The agency was active and effective. The National Employment Rights Authority has a staff of 112, including 57 labor inspectors and nine inspector-team managers.

The Department of Enterprise, Trade, and Employment is responsible for enforcing occupational safety laws, and these laws provided adequate and comprehensive protection. There were no complaints from either labor or management during the year regarding shortcomings in enforcement. Regulations provide workers with the right to remove themselves from dangerous work situations that present a "serious, imminent, and unavoidable risk" without jeopardy to their continued employment, and authorities effectively enforced this right.

ITALY

EXECUTIVE SUMMARY

Italy is a multiparty parliamentary democracy with a bicameral parliament consisting of the Chamber of Deputies and the Senate. The constitution vests executive authority in the Council of Ministers, headed by the prime minister, who is the president of the council. The president, who is the head of state, nominates the prime minister after consulting with the leaders of all political forces in the parliament. International observers considered the 2008 national parliamentary elections free and fair. Security forces reported to civilian authorities.

Principal human rights problems included the continued incarceration of pretrial detainees with convicted criminals; substandard living conditions in overcrowded prisons and detention centers for undocumented migrants; and societal prejudice and some municipal mistreatment of Roma, which exacerbated their social exclusion and restricted their access to education, health care, employment, and other social services.

Other human rights problems included an inefficient judicial system that did not always provide speedy access to justice, government corruption, harassment and violence against women, sexual exploitation of children, and anti-Semitic vandalism. Trafficking for sexual and labor exploitation occurred, but the government prosecuted traffickers and assisted victims. A few cases of violence against gay men and lesbians and labor discrimination based on sexual orientation were also reported.

The government prosecuted and punished officials who committed crimes and abuses.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, during the year security forces were involved in several controversial killings.

On April 7, detainee Carlo Saturno was found hanged in a Bari prison cell. Saturno had been charged with assault after clashing with prison guards. The pub-

lic hospital physicians who examined him expressed doubts over the cause of death, and authorities opened an investigation.

On July 14, a judge ordered an extension of the investigation into the death of Moroccan immigrant Aziz Amiri, who police shot and killed as they attempted to arrest him in Bergamo in February 2010. Press reports stated that Amiri attempted to evade police during a routine traffic stop and was shot after he drove into an official vehicle.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices. However, there were reports that police occasionally used excessive force against individuals, particularly immigrants detained in connection with common criminal offenses or in the course of identity checks. There were also reports of abuse and poor care of inmates with psychological disabilities in prisons and mental health facilities (see section 6, Persons with Disabilities).

On March 4, a woman accused three Carabinieri (national gendarmerie) and local police officers of raping her on February 23 while she was in police custody in Rome. Prosecutors opened an investigation.

On November 22, the Court of Cassation cleared Gianni De Gennaro, former head of the National Police during protest demonstrations at the G-8 Summit in 2001, of charges of having induced police officers to give false testimony regarding police behavior toward the protesters. In June 2010 the appeals court of Genoa had sentenced De Gennaro to 16 months' imprisonment.

Prison and Detention Center Conditions.—Some prisons were significantly overcrowded and antiquated. According to the Ministry of Justice, at year's end there were 66,897 inmates being held in 206 prisons designed to hold 45,700. Female prisoners (2,808 as of December) were held in separate prison sections. Uneven distribution of prisoners exacerbated overcrowding in certain institutions. In addition, as of June 30, a total of 479 minors were detained. All detainees had access to potable water. Older facilities lacked outdoor or exercise space, and some prisons lacked adequate medical care.

On January 3, the nongovernmental organization (NGO) Antigone submitted a complaint to prosecutors regarding the case of a minor, Carmelo Castro, who was found dead while under detention in the Catania prison in 2009. According to prison guards, Castro committed suicide, but the family and Antigone believed the guards submitted an inconsistent report on his death.

On July 14, a trial of five prison officers suspected of having beaten a Tunisian prisoner, Ismail Ltaief, began in Velletri. The detainee had reported to prison authorities that the guards were stealing foodstuffs from prison storage.

The law does not require the separation of pretrial detainees from convicted prisoners. At year's end approximately 59 percent of inmates were convicted criminals serving sentences, while the other 41 percent were primarily detainees awaiting trial.

On December 16, the government approved a prison decree aimed at easing the overcrowded prison system. According to the new legislation, pretrial detainees can now be held in special "police cells" for up to 48 hours in order to avoid being temporarily held in prisons together with convicted criminals. In addition detainees convicted for minor offenses are allowed to serve sentences of less than 18 months (or the remaining 18 months of a longer sentence) at home under house arrest.

Prisoners had access to visitors and attorneys and were allowed to submit complaints to judicial authorities, who generally investigate credible allegations. The government and NGOs regularly monitor the prison system.

From January to July the Ministry of Justice registered 24 cases of beatings, three reports of sexual violence, and 31 cases of personal injuries committed in prison. There was no evidence that women were disproportionally impacted by violence in prisons.

According to an independent research center, 186 prisoners died in custody during the year, 66 of them by suicide. There were allegations that a small number of these deaths were the result of prison official abuse or negligence.

On June 11, Antigone reported that detainees protested in the Viterbo prison and other detention centers and staged hunger strikes to protest overcrowding and inhuman living conditions.

On July 28, the president of the parliamentary Committee on Public Health Care, Ignazio Marino, said he found inadequate living conditions and lack of necessary patient treatment in several judicial psychiatric hospitals. The committee ordered the upgrading and partial closure of two facilities in Tuscany and Sicily.

The government permitted visits to prisons and detention facilities by independent human rights organizations, parliamentarians, and the media. Seventeen

municipalities, six provinces, eight regions, and Antigone had permanent independent ombudsmen to promote the rights of detainees and facilitate access to health care and other services. The government assigned magistrates to every prison in the country to protect prisoner rights, implement measures to prevent organized crime infiltration into prisons, and examine alternatives to incarceration. The magistrates also made decisions on parole and eligibility for work release.

The Committee for the Prevention of Torture (CPT) of the Council of Europe (COE) periodically visited prisons and detention facilities, most recently in June 2010. The government also provided representatives of the Office of the U.N. High Commissioner for Refugees (UNHCR) access to detention centers for undocumented migrants in accordance with the UNHCR's standard modalities.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The ministries of interior and defense maintained effective control over the Carabinieri, national police, financial police, and municipal police forces. The army is responsible for external security but also has specific domestic security responsibilities. The government has mechanisms to investigate and punish abuse, and although there were no reports of impunity involving security forces during the year, long delays by prosecutors and authorities in completing some investigations reduced the effectiveness of mechanisms to investigate and punish police abuses. Police were effective at enforcing laws, conducting investigations, and seizing assets of criminal organizations relative to the amount of resources dedicated to such activities.

Arrest Procedures and Treatment While in Detention.—To detain an individual, police require a warrant issued by a public prosecutor unless a criminal act is in progress or there is a specific and immediate danger to which they must respond. When authorities detain a person without a warrant, an examining magistrate must decide within 24 hours of the detention whether there is enough evidence to proceed with an arrest. The investigating judge then has 48 hours to confirm the arrest and recommend whether to prosecute. In terrorism cases authorities may hold suspects up to 48 hours before bringing the case to a magistrate.

Authorities generally respected the right to a prompt judicial determination. Although the law entitles detainees to prompt and regular access to lawyers of their choosing, authorities did not always respect that right in practice. In a 2010 report the CPT found that in some cases police effectively denied detained persons the right to an attorney, which can be invoked only at the time of arrest, by engaging detainees in "informal chats" before formally arresting them.

The law permits family members' access to detainees. The state provides a lawyer to indigent persons. In exceptional circumstances, usually in cases of organized crime or in which there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to five days to interrogate the accused before access to an attorney is permitted. Some NGOs and international organizations asserted that the terrorism law is deficient in due process and in some cases resulted in the deportation or return of alien suspects to countries where they had reason to fear persecution. The law allows for increased surveillance and enhanced police powers to gather evidence in terrorism cases, for example, collecting DNA for purposes of identifying detained migrants (see section 2.d.).

Lengthy pretrial detention and trial delays were a significant concern. During the first half of the year, 43 percent of all prisoners were either in pretrial detention or awaiting a final sentence. The maximum term of pretrial detention is from two to six years depending on the severity of the crime. According to independent analysts and magistrates, delays resulted from the large number of trials, the lack of nonjudicial remedies, and insufficient and inadequate distribution of offices and resources, including shortages of judges and staff.

There were instances of judges allegedly colluding with organized crime. On November 30, Milan prosecutors requested the arrest of Vincenzo Giglio, former president of the Reggio Calabria court of preventive measures, for corruption and aiding and abetting an organized crime family.

There is no provision for bail; however, judges may grant provisional liberty to detainees awaiting trial. As a safeguard against unjustified detention, detainees may request that a panel of judges (liberty tribunal) review their cases on a regular basis and determine whether continued detention is warranted.

Authorities may impose preventive detention as a last resort if there is evidence of a serious felony or if the crime is associated with organized crime or terrorism. Except in the most extraordinary situations, the law prohibits preventive detention for pregnant women, single parents of children under age three, persons more than 70 years of age, and the seriously ill.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice; however, a significant number of court cases reportedly involved long trial delays.

There were isolated reports of judicial corruption. For example, on January 18, Turin prosecutors opened an investigation on Imperia Court President Gianfranco Boccalatte for corruption in favor of organized crime.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. The Courts of Assizes, which have jurisdiction over the most serious crimes, are composed of two professional judges and six laypersons chosen at random among citizens 30 to 65 years old. Although the law provides that defendants have access to an attorney in a timely manner, authorities did not always respect this right in practice. Defendants may confront and question witnesses against them and may present witnesses and evidence on their own behalf. Prosecutors must make evidence available to defendants and their attorneys upon request. Defendants have a presumption of innocence and the right to appeal verdicts.

Domestic and European institutions continued to criticize the slow pace of the judicial process.

Courts could determine when the statute of limitations should apply, and defendants who had been granted provisional liberty often took advantage of the slow pace of justice to delay trials through extensive pleas and appeals.

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

Regional Human Rights Court Decisions.—Individuals may appeal alleged human rights violations by the state to the European Court of Human Rights (ECHR) once all avenues for a remedy in the Italian court system have been exhausted. The government complied with the ECHR's final decisions on such appeals.

Civil Judicial Procedures and Remedies.—The constitution provides for an independent and impartial judiciary in civil matters. Civil remedies are determined by law. Contracts allow for and regulate arbitration. Individuals and organizations may seek civil remedies for human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice. Searches and electronic monitoring were generally permissible with judicial warrants and in carefully defined circumstances. The Court of Cassation's lead prosecutor may authorize wiretaps of terrorism suspects at the request of the prime minister. According to independent observers prosecutors did not always limit the use of wiretaps to cases of absolute necessity as requested by the Supreme Court. On September 15, Bari prosecutors announced that they had ordered the recording of more than 100,000 telephone calls in a case regarding an entrepreneur and other business executives who allegedly blackmailed then prime minister Silvio Berlusconi.

The media published leaked transcripts of government wiretaps authorized as part of ongoing investigations. In June two leading national newspapers, Corriere della Sera and La Repubblica, published transcripts of telephone calls between certain members of parliament and the ministries. Some of these government officials were under investigation for corruption and conspiracy to obtain confidential information regarding judicial proceedings.

The law allows magistrates to destroy illegal wiretaps that are discovered or seized by the police.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Press.—The independent media were active and expressed a wide variety of views. However, disputes over partisanship continued to prompt frequent political debate. The two main opposition parties and NGOs contended that media ownership was concentrated in too few hands. Former prime minister Berlusconi's family holding company, Fininvest, held a controlling share in the country's largest private television company, Mediaset; its largest magazine publisher, Mondadori; and its largest advertising company, Publitalia. Berlusconi's brother owned one of the country's nationwide dailies, Il Giornale. Italian media organizations tended to reflect the point of view of their proprietors, whether a political party or a business entity.

Violence and Harassment.—On July 19, Rome prosecutors opened an investigation on then prime minister Silvio Berlusconi for abuse of power. In 2009 Berlusconi allegedly pressured the Italian public television network RAI to stop broadcasting Annozero, a political program hosted by Michele Santoro, who often criticized the government.

In its 2011 rankings, Reporters Without Borders indicated diminished press freedom in the country because of a long-standing conflict of interest that "bears the marks of the old government" led by media magnate and former prime minister Berlusconi.

The National Federation of the Italian Press criticized instances of what it described as excessive restrictions on freedom of expression. On February 1, police searched the apartment of Il Giornale journalist Anna Maria Greco, who had written an article on a Milan prosecutor. Some journalism associations protested the search.

Libel Laws/National Security.—Public officials continued to bring cases against journalists under the country's libel laws. According to most observers the risk of such suits did not adversely affect the willingness of the press to report on politically sensitive subjects.

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

A special unit of the police monitored Web sites for crimes involving child pornography. As an antiterrorism measure, authorities required that Internet cafe operators obtain licenses and that those using wireless Internet areas register personal information before logging on.

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

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

c. Freedom of Religion.—See the annual International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the UNHCR and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Following the Arab Spring, the flows of migrants arriving by boat dramatically increased. Unrest in Tunisia resulted in the suspension of the Tunisian agreement with Italy between January and April 5, after which Tunisia and Italy signed a new pact providing for enhanced border protection and repatriation of economic migrants. Most Tunisian migrants who arrived after April 5 were deported. Those who arrived before that date obtained temporary residence permits.

In March the Libyan government suspended the implementation of the friendship treaty with Italy, prompting a large number of sub-Saharan African migrants to leave Libya by boat, mainly for the Italian island of Lampedusa. Most of them qualified for asylum.

According to the government, between January and September, 4,012 foreign minors arrived in the country, 3,739 of whom were unaccompanied. Approximately 2,700 unaccompanied minors landed in Lampedusa. Those who were apprehended were sent to temporary detention centers for processing. A magistrate then determined whether migrants would be deported (if their identity could be ascertained), ordered to depart (if their identity could not be ascertained), or accepted for asylum processing. Between January and July, the government repatriated 13,700 migrants primarily to Tunisia. The Ministry of Interior, in cooperation with the International Organization for Migration, assisted the safe return of migrants to their home countries.

On January 20, there were 7,540 unaccompanied minors in the country, of whom 1,137 were Afghani. The Ministry of Interior equipped special sections of temporary detention centers to host minors.

Safe Country of Origin/Transit.—The country is party to the EU's Dublin II Regulation, whose partners generally transfer asylum applications to the first EU member country in which the applicant arrived.

Nonrefoulement.—The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugee Abuse.—There were reports of disturbances at detention centers for immigrants throughout the year. The large flows of Tunisians and African refugees fleeing Libya between January and September aggravated the already poor living conditions of temporary centers, especially in Lampedusa.

On June 6, detainees in the Bari detention center were responsible for disturbances that culminated in a mass attempt to escape by sawing through bars. The detainees injured several police officers, who arrested two Moroccans and nine Tunisians in connection with the incident.

On September 20, detained Tunisians at Lampedusa destroyed by arson the reception facilities on the island, resulting in the evacuation of migrants held there. According to a September 30 report by the Parliamentary Assembly of the COE after a May 23-24 visit, the government held Tunisians on Lampedusa for prolonged periods of time without access to a judge. The report also noted insufficient separation of minors, overcrowding, prolonged periods of detention, and inadequate sanitary facilities. Finally, the report criticized the government's slow response to the initial influx of migrants, noting the confusion and unsanitary conditions arising out of an early lack of action. Following the fire, Lampedusa's detention center closed for repairs.

Access to Basic Services.—The government issued temporary residence permits that the Ministry of Interior could periodically renew. While not a guarantee, these temporary permits can lead to future permanent residence.

Temporary Protection.—The government also provided temporary protection to individuals who may not qualify as refugees. Between January and June, 10,900 persons submitted asylum requests to authorities, compared to 5,400 in the same period of 2010. The top four countries of origin of 4,900 persons assisted between January and September were Afghanistan (14 percent), Somalia (13 percent), Eritrea (11 percent), and Nigeria (8 percent).

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

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

Elections and Political Participation.—Recent Elections.—National and international observers, including the Organization for Security and Cooperation in Europe, considered the 2008 parliamentary elections free and fair.

Participation of Women and Minorities.—There were 60 women in the 321-seat Senate and 135 women in the 630-seat Chamber of Deputies. Women held five of 23 positions in the Council of Ministers. The proportion of female judges is 7 percent.

Two legally defined minority groups had representatives in parliament; the French-speaking Valdostani and the German-speaking Altoatesini/Suedtiroler had a total of four senators and three deputies. In a predominantly ethnically homogenous society, immigrants represented approximately 6.5 percent of the population, and fewer than half of these qualified as ethnic/racial minorities. Two representatives of ethnically diverse groups (of Moroccan and Congolese origin) were members of the Chamber of Deputies.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. Media continued to report on isolated incidents of government corruption during the year.

According to the general prosecutor of the National Audit Court, 709 persons were accused of corruption, 183 of embezzlement, and 2,290 of abuse of power in 2010.

In 2010 the regional sections of the National Audit Court found sufficient cause to charge 227 persons with corruption and graft (40 cases), abuse of power (17 cases), fraud (95 cases), embezzlement (50 cases), and other crimes (25 cases).

All parliamentarian arrests must be approved by the parliament. On July 20, police arrested parliamentarian Alfonso Papa for abetting criminals, breaching confidentiality, and accepting bribes during an investigation of a secret association.

While the parliament approved Papa's highly politicized arrest, during the year it nevertheless blocked the arrests of several other parliamentarians, including Deputy Marco Milanese and Senator Alberto Tedesco.

Members of parliament are subject to financial disclosure laws. The Ministry of Public Administration encouraged adherence to voluntary guidelines for financial disclosure by the leaderships of all ministries. The anticorruption and transparency office in the Ministry of Public Administration is the government watchdog on corruption.

The law gives citizens the right to access government documents and to be informed of administrative processes. With some security-related exceptions, the government and local authorities respected this right in practice for citizens, noncitizens, and the foreign press.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The government's Office to Combat Racial and Ethnic Discrimination in the Ministry of Equal Opportunity (UNAR) assists victims of discrimination.

Government Human Rights Bodies.—An interministerial commission on human rights and a parliamentary committee on human rights focused on international and high-profile domestic cases.

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

The law prohibits discrimination based on race, gender, ethnic background, and political opinion. It provides some protection against discrimination based on disability, language, or social status. The government generally enforced these prohibitions; however, some societal discrimination continued against women; persons with disabilities; immigrants; Roma; and lesbian, gay, bisexual, and transgender persons.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal, and the government enforced the law effectively. According to the Italian National Institute of Statistics (ISTAT), in 2009 there were 4,963 cases of rape reported to the police.

Violence against women, including spousal abuse, remained a problem. In September 2010 ISTAT reported that approximately 10.5 million women aged 16 to 65, or 51.8 percent of all women, were victims of violence or harassment at least once in their lives. Between 2008 and 2010, 3.9 million women were involved in cases of violence or harassment. Of these 3.9 million cases, 27 percent were verbal assaults, 22 percent were stalking, 20 percent were indecent exposure, and 19 percent involved physical violence. Women who lived in big cities were more at risk; 64.9 percent of urban-dwelling women reported a case of violence or stalking at least once in their lifetime. An estimated 8.5 percent of women in the study reported sexual harassment at work. In 2010 police reported to prosecutors 4,813 cases of sexual violence, most of which occurred against women. Updated data were not available.

The law criminalizes the physical abuse of women, including by family members; allows for the prosecution of perpetrators of violence against women; and helps abused women avoid publicity. Police officers and judicial authorities prosecuted perpetrators of violence against women, but victims frequently declined to press charges due to fear, shame, or ignorance of the law.

In 2009 the Ministry of Equal Opportunity established a hotline for victims of stalking in addition to the hotline for victims of violence seeking immediate assistance and temporary shelter. Local authorities fund shelters and protected communities usually run by NGOs. These initiatives improved awareness of rights and remedies, and women were more inclined to denounce their abusers. Between mid-September 2010 and March 17, 2011, the Ministry of Equal Opportunity's hotline received 11,900 calls. Of the 4,500 calls received between January 10 and March 17, 2011, 10 percent were from foreigners, 35 percent regarded cases of psychological violence, 25 percent involved physical violence, and 6 percent involved stalking. In 2010 police received 5,739 stalking complaints, 87 percent of which were reported by women. Updated data were not available.

In 2010 the NGO Telefono Rosa assisted 1,749 victims of violence, 40 percent of whom were victims of physical violence, 38 percent of psychological violence, and 9 percent of stalking. Between September and December 2010 the NGO ACMID-Donna, which ran a hotline for abused Muslim women, received 1,376 calls, 970 of which were requests for help. Of those who called, 74 were victims of forced marriage; 23 were subsequently sheltered in protected communities.

Other Harmful Traditional Practices.—The media occasionally reported on "honor crimes." On December 22, a Modena court sentenced to life imprisonment a Pakistani, Khan Ahamad Butt, for the murder of his wife, Shanaz Begum. His son, Umair, was sentenced to 20 years in jail for the attempted murder of Butt's daughter, Nosheen Butt. Shanaz Begum had defended her daughter against her husband and son after the daughter had refused an arranged marriage with an older man.

On January 28, a court of appeals sentenced 45-year-old Moroccan El Ketaoui Dafani to life imprisonment for the murder of his 18-year-old daughter, Saana Dafani, in 2009. El Ketaoui killed his daughter for having a relationship with a 31-year-old Italian man. His lawyers appealed the decision to the Supreme Court.

Female Genital Mutilation (FGM).—FGM is a crime punishable by up to 10 years' imprisonment. According to the National Institute for the Health of Migrants, which assisted close to 5,000 FGM victims over the previous 10 years, as many as 3,000 additional girls were at risk of genital mutilation. In 2009 the Ministry of Equal Opportunity estimated that 35,000 immigrant women (1,100 of whom were age 17 and younger) were victims of genital mutilation. In the vast majority of cases the mutilation occurred in the victims' countries of origin. Most of the women lived in Lombardy, Veneto, Emilia Romagna, and Lazio. A Ministry of Equal Opportunity interagency committee in charge of combating FGM implemented a prevention program that included an awareness campaign for immigrants, risk analysis, cultural mediator training, and a hotline dedicated to FGM victims.

Sexual Harassment.—Sexual harassment is illegal, and the government effectively enforced the law. By government decree, emotional abuse based on gender discrimination is a crime.

Reproductive Rights.—Couples and individuals had the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, or violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men received equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—The law gives women the same rights as men, including rights under family law, inheritance law, property law, and the judicial process.

According to Eurostat the overall gap between salaries for men and women in 2009 was 5.5 percent. Women continued to be underrepresented in many fields, including management, entrepreneurial business, and other professions. In 2009, 63 percent of public health employees were women, but women accounted for only 18 percent of all public health executives. In 2010 women represented only 6 percent of board members of companies listed on the stock market. On June 29, the parliament approved legislation which requires companies listed on the stock market to appoint women to at least one-fifth of executive board positions by 2012 and at least one-third by 2015.

On December 22, the parliament approved legislation raising the retirement age for women and ending discrimination between men and women in the private sector by 2018.

A number of government offices worked to provide for women's rights, including the Ministry for Equal Opportunity and the Equal Opportunity Commission in the Prime Minister's Office. The Ministry of Labor and Welfare has a similar commission that focuses on women's rights and workplace discrimination. Many NGOs, most of them affiliated with labor unions or political parties, actively and effectively promoted women's rights.

Children.—Birth Registration.—Citizenship is derived from one's parents. Local authorities registered all births immediately.

Child Abuse.—In the first six months of the year, Telefono Azzurro, an NGO that advocates children's rights, received 882 requests for assistance. Of these, an estimated 5 percent involved sexual abuse, 12.5 percent physical violence, and 6 percent psychological abuse. In 53 percent of cases the victims were female; 62 percent of the victims were younger than 10.

Sexual Exploitation of Children.—The country has a statutory rape law. The minimum age for consensual sex varies from 13 to 16, based on the relationship between partners. The penalty for child pornography ranges from six to 12 years in prison, and the penalty for violating the minimum age for consensual sex ranges from two to 10 years in prison. Between January and September a special police unit monitored 16,100 Web sites; 685 persons were reported to authorities for crimes involving child pornography online, and 39 persons were arrested. Between January and March, Telefono Arcobaleno detected more than 18,000 Web sites used by pedophiles.

In 2010 authorities registered 582 reports of sexual intercourse with minors, 380 reports of child pornography production or child pornography possession, and 175 reports of minors obliged to assist with sexual intercourse between adults.

Save the Children estimated that minors represented 10 percent of persons in prostitution (constituting between 1,600 and 2,000 minors). While few children of Italian nationality engaged in prostitution for survival, the independent research center Parsec reported that thousands of minor migrants from Eastern Europe did.

On June 28, police arrested 16 persons accused of sexually exploiting underage Italian girls in the province of Cosenza. Recruiters enticed and then forced their victims into prostitution.

On July 4, authorities arrested 11 persons for recruiting and forcing Romanian girls in Massa Carrara into prostitution. The girls' pimps threatened and beat them.

Romani adults continued to use Romani children of all ages for begging, and, in some instances, for prostitution and theft as well. Police did not always intervene to prevent forced begging by Romani children.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were approximately 30,000 Jews in Italy. Anti-Semitic societal prejudices persisted. Isolated individuals and small extremist fringe groups were responsible for anti-Semitic remarks and actions, including vandalism and anti-Semitic material on the Internet.

In October the Italian Chamber of Deputies' Committee for the Inquiry into Anti-Semitism released a new report on anti-Semitism in the country. The report cited a 2008 study by Italy's Center of Contemporary Jewish Documentation that estimates that 44 percent of Italians express attitudes and opinions "in some way hostile to Jews" and that 12 percent are "fully fledged anti-Semites." The report also documented the proliferation of anti-Semitic Web sites and the tendency for criticism of Israel to become anti-Semitic.

On January 27, anti-Semitic graffiti was discovered by local authorities on city walls, streets, and grave headstones in Stradella.

According to the Center of Contemporary Jewish Documentation, in 2010 there were more than 40 anti-Semitic Web sites. On January 18, a right-wing Web site published a list of names of Jewish university professors it accused of proselytizing for the "Zionist cause." Postal police promptly shut down the Web site. In December a Web site targeted several well-known Italian Jews by posting their photos alongside hateful messages. The photos were taken down after the Rome Jewish Community reported the incident to the police. In addition the Web site contained several anti-Semitic cartoons, conspiracy theories, and the text of The Protocols of the Elders of Zion "Zionist cause." Postal police promptly shut down the Web site.

The Ministry of Education funded training courses for teachers designed to prevent anti-Semitism on social media.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in the areas of employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions, but there were incidents of societal discrimination. Antigone claimed there was a pattern of abuse in prisons and mental health facilities, highlighting a number of deaths that may have resulted from poor care for persons with disabilities. On March 16, a parliamentary committee released a report on six criminal detention centers for inmates with psychiatric problems. The committee found that several of the centers had poor living conditions and did not provide adequate patient treatment. On July 27, police shut down 49 cells in two psychiatric facilities visited by the committee and arrested two Aversa hospital prison guards after charging them with sexually abusing a transsexual detainee on March 10.

Although the law mandates access to government buildings for persons with disabilities, mechanical barriers, particularly in public transport, continued to pose challenges. Many cities lacked infrastructure (such as subway elevators, funicular stations, and ramps on sidewalks) for persons who were wheelchair bound or had limited mobility. The Ministry of Labor and Welfare was responsible for protecting the rights of persons with disabilities.

A government agency, the Institute for the Development of Vocational Training for Workers, estimated there were three million persons with disabilities in the country, of whom 93 percent lived with their families.

National/Racial/Ethnic Minorities.—There were no accurate statistics on the number of Roma in the country. NGOs estimated that between 120,000 and 170,000

Roma, including 75,000 citizens, were concentrated on the fringes of urban areas in the central and southern parts of the country.

During the year the Romani population continued to be subject to some municipal mistreatment, societal discrimination, and violent attacks against unauthorized camps. Some political discourse continued to contribute to municipal and societal discrimination against the Romani population, especially mob violence and individual attacks targeting Roma.

On December 10, a protest organized by residents of the Vallette suburb in Turin turned violent when some protesters attacked and burned a Romani camp by setting fire to caravans and makeshift shelters that housed approximately 150 Roma. The protest was organized after a 16-year-old girl reported to police that she had been raped by two Roma. The girl stated later to police that her accusations were false and publicly apologized. Amnesty International reported that, the day before the protest, leaflets were circulated inciting the inhabitants of the suburb to "clean up" the area where the settlement was located. Approximately 500 persons took part in the march; of those, approximately 30 were reported to have been involved in the raid against the settlement. There were no injuries since the police had evacuated the area before the protest began.

National and local government officials made racist comments against Roma and other members of minorities during the year. In May then prime minister Berlusconi warned that Milan was at risk of becoming "an Islamic city, a Gypsy town full of camps and besieged by foreigners." The press and NGOs reported cases of discrimination, particularly in housing and evictions, deportations, and government efforts to remove Romani children from their parents for their protection.

According to the report on September 7 by the COE after the visit on May 26-27 by COE commissioner for human rights Thomas Hammarberg, the state of emergency in force in five regions "provided the bedrock for widespread evictions of Roma and Sinti from settlements throughout the country, often in manners that are at variance with human rights standards." Unauthorized camps lacked electricity, access to water and sanitation, adequate shelter, and pest control. The report attributed the segregation of Roma in camps to the "local and national housing policies which assume Roma to be nomads" and which failed "to meet their needs." Evictions had a negative impact on children's right to education.

Amnesty International reported that during March and May authorities conducted 154 targeted evictions in Rome affecting 1,800 Roma. The European Roma Rights Center asserted that these evictions violated international laws and standards under domestic law regulating forced evictions. They charged that Rome municipal authorities did not provide prior notice in advance of the eviction, did not offer proper alternative accommodation, and destroyed personal property during the evictions.

In November the Council of State ruled that the state of emergency was not lawful and constituted discrimination. It stated that there was no evidence of a causal link between the existence of nomadic settlements and the extraordinary and exceptional disruption of order and public security in the affected areas. Despite the ruling, municipal governments defended the state of emergency, highlighting the "absolute incompatibility" between the camp conditions and the protection of human rights.

On January 6, four Romani children died in their sleep after a fire broke out in an illegal encampment on the outskirts of Rome. Mayor Gianni Alemanno reiterated his intention to implement the 2009 Nomad Plan, which calls for closing down illegal camps and transferring the Roma to legal settlements.

Government officials at the national and local levels, including those from the Ministry of Interior and UNAR, met periodically with Roma and their representatives. On June 17, groups of Roma living in Milan established a council to facilitate dialogue with the local government. By July the Observatory for the Security against Discrimination had received 130 reports regarding 56 crimes against Roma; police arrested 11 persons and opened investigations on another 33.

In 2010 UNAR received approximately 1,000 calls on its national hotline and 10,000 requests through its Web site. UNAR received information on 500 cases of discrimination, 28 percent of which were related to labor conditions, 20 percent to housing, and 10 percent to discrimination in the provision of public services. UNAR provided legal assistance and helped mediate disputes.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The press reported a few cases of violence against gay and lesbian couples during the year. According to a poll of gay men and lesbians conducted by the association Arcigay released on October 13, 5 percent of those interviewed had been fired for their sexual orientation, and 19 percent had been victims of other forms of labor discrimination.

On January 27, police arrested Gianluca Costantino, Stefano Merighi, and Diego Fosco on charges of savagely beating and raping a foreign gay man in Canazei near Trento in April 2010.

On April 11, a Rome court of appeals found the ministries of defense and transport guilty of discrimination for revoking the driver's license of a gay man, Danilo Giuffrida, in Catania in 2005 and ordered the ministries to pay 20,000 euros (approximately $26,000) as compensation.

On July 27, police arrested two Aversa hospital prison guards after charging them with sexually abusing a transsexual detainee on March 10 (see Persons with Disabilities).

Other Societal Violence or Discrimination.—There were no reports of violence or discrimination against persons with HIV/AIDS. Based on verifiable incidents, there was no detectable underlying pattern of discrimination/abuse.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right to establish, join, and carry out union activities in the workplace without previous authorization or excessive requirements. Unions are independent of government and political parties. The law prohibits union organization in the armed forces. The law provides for the right to strike but restricts strikes affecting essential public services (such as transport, sanitation, and health) by requiring longer advance notification and precluding multiple strikes within days of each other. The law restricts transport strikes, allowing only those unions representing at least half of the workforce to call a strike. Unions are allowed to conduct their activities without interference, and the right to organize and bargain collectively is instilled in the law. In 2010 ISTAT estimated that 78 national collective bargaining agreements covered a total of 13 million public and private employees. Secondary contracts negotiated at the company or territory-wide level also covered about 30 percent of employees. Antiunion discrimination is illegal. Employees fired for union activity have the right to request their reinstatement.

The government protected the rights of workers and enforced the law. In practice workers exercised these rights, including union formation and participation and legal strikes. Workers organized and bargained collectively. There were no reported cases of discrimination.

The law allows a company of any nationality in a free trade zone to employ workers of the same nationality under that country's labor laws and social security systems.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and the government enforced such laws; however, there were reports that such practices occurred.

Parsec, an NGO that assists victims of trafficking in persons and conducts research on trafficking trends, estimated that approximately 500 victims of labor trafficking worked mainly in domestic, agricultural, and service sectors. Forced labor occurred primarily in the construction and agriculture sectors.

According to research conducted by independent experts on 291 victims of forced labor who received assistance from NGOs between 2005 and 2009, the top countries of origin were Romania, Morocco, Egypt, and India. Approximately 71 percent of the victims were male. Most of the victims left their countries voluntarily to escape poor living conditions (68 percent) and to find a better job (72 percent). Two-thirds of female victims of labor trafficking and 48 percent of male victims received deceptive employment offers; 25 percent worked in the construction sector, 17 percent as caregivers, and 14 percent in agriculture.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The government sought to enforce laws and policies designed to protect children from exploitation in the workplace; however, there were a number of reports of child labor.

The law prohibits employment of children under age 15 with some limited exceptions, and there are specific restrictions on employment in hazardous or unhealthy occupations for boys under the age of 18 and girls under the age of 21. Enforcement was generally effective in the formal economy; however, enforcement was difficult in the relatively extensive informal economy.

Illegal migrant child laborers, mostly between 15 and 18 years of age, continued to enter the country from North African and Asian countries. They worked primarily in the manufacturing and services industries. Labor inspectors found that, between January and August 2010, 190 minors worked as illegal employees.

On June 30, the Ministry of Welfare said it had identified 5,806 unaccompanied minors as eligible to receive government assistance and services. The top three countries of origin were Afghanistan, Tunisia, and Egypt.

The government, employer associations, and unions continued their tripartite cooperation to combat child labor. The Ministry of Labor and Welfare, working with police and Carabinieri, is responsible for enforcement of child labor laws, but its efforts produced limited results.

d. Acceptable Conditions of Work.—The law does not provide for a minimum wage. Instead, collective bargaining labor contracts negotiated by unions set minimum wage levels for different sectors of employment. The official poverty line was set at 992 euros ($1,290) per month for a family of two. Workers in the informal sector often worked for less than the comparable minimum wage in the formal sector. The estimated three million workers in the informal sector accounted for 11.3 percent of the total workforce and worked primarily in the south in the agricultural and service sectors during the year, according to ISTAT.

The legal workweek is 40 hours. Overtime work may not exceed two hours per day or an average of 12 hours per week. Unless limited by a collective bargaining agreement, the law sets maximum overtime hours in industrial sector firms at no more than 80 per quarter and 250 annually. The law requires rest periods of one day per week and 11 hours per day. Premium pay is required for overtime. The government, with regular union input, effectively enforced these standards.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. There were labor inspectors in both the public health service and the Ministry of Labor and Welfare, but their numbers were insufficient to provide for adequate enforcement of health and safety standards. The government and employers did not enforce these standards in the informal economy. According to the Workmen's Compensation Institute, there were 980 work-related deaths in 2010.

KOSOVO

EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for the authorities and responsibilities of the freely elected unicameral national Assembly, the Assembly-approved government, and the Assembly-elected president. The country declared its independence in 2008 after it accepted the Ahtisaari plan, which provided for internationally sponsored mechanisms, including an International Civilian Office and the EU Rule of Law Mission (EULEX), to support the new government. Multiparty elections for the Assembly, conducted beginning in December 2010, met many international standards, but serious irregularities and electoral manipulations in some areas raised concerns and resulted in a limited re-vote in some municipalities. Security forces reported to civilian authorities, with the Kosovo Security Force (KSF) also monitored by the U.N.-authorized NATO Peacekeeping Force for Kosovo (KFOR) and the Kosovo Police (KP) monitored, in a limited capacity, by EULEX.

Roadblocks that Serb hardliners established in the northern part of the country seriously restricted basic rights, including freedom of movement and movement of goods. Serb hardliners also employed violence and intimidation against domestic opponents and international security forces, resulting in deaths and injuries during the year. A third area of serious concern was societal discrimination against minority communities, persons with disabilities, and members of the lesbian, gay, bisexual and transgender (LGBT) community, as well as domestic violence, particularly against women.

Additional human rights concerns included allegations of prisoner abuse as well as corruption and favoritism in prisons, lengthy pretrial detention, judicial inefficiency, intimidation of media by public officials and criminal elements, limited progress in returning internally displaced persons (IDPs) to their homes, government corruption, trafficking in persons, and child labor in the informal sector.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government, although many perceived that senior officials engaged in corruption and acted with impunity.

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

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

On July 25, Enver Zymberi, a member of the Special Police Unit, was shot in an ambush by Serb hardliners following an operation by the unit to take control of

Bernjak, a border crossing point on the Kosovo-Serbian border. Zymberi died of his wounds on July 26.

There were developments related to the December 2010 release of a report by a rapporteur of the Parliamentary Assembly of the Council of Europe (COE), Dick Marty. The report alleged that, from mid-1999 to mid-2000, elements of the Kosovo Liberation Army (KLA) and affiliates held scores of "disappeared" persons in Albania and that a small number of persons became "victims of organized crime" when their kidneys were extracted for use by an international organ-trafficking ring. The report stated that all of those held, Albanians and Serbs, were presumed to have been killed. On January 27, EULEX opened a preliminary investigation in the case, and on August 29, named John Clint Williamson as the lead prosecutor for the Special Investigative Task Force. At year's end, the task force continued its investigation with government cooperation.

On July 15, a EULEX judge confirmed the indictment against nine defendants, including assembly member Fatmir Limaj, in the case of alleged war crimes committed at the high-profile KLA Klecka detention facility in 1999. On September 22, following the release of the Constitutional Court's ruling that assembly members do not enjoy blanket immunity from arrest, Limaj surrendered to EULEX police and was placed under house arrest. On September 28, EULEX announced that Agim Zogaj, the key witness in the Klecka case, known as "Witness X," was found dead in a park in Germany. German forensic authorities stated Zogaj, who was in a witness protection program, had committed suicide. On November 11, the trial of the Klecka case began in the district court of Pristina. All defendants pleaded not guilty. Limaj's defense asked to postpone the trial until February 2012 due to the absence of a forensics report on the death of Zogaj and insufficient time to analyze the indictment. On November 15, the Pristina District Court postponed the trial until January 2012.

In a July 29 decision, a mixed panel of EULEX and Kosovo judges convicted former KLA members Sabit Geci, Riza Aliaj, Shaban Hoti, and Haki Hajdari of the abuse, beatings, and murder of detainees at two KLA detention centers in Kukes and Cahan in northern Albania in 1999. The panel sentenced the four men to a total of 40 years' imprisonment — Geci to 15 years, Alija to 12, Hajdari to seven, and Hoti to six. A fifth suspect in the case remained at large.

b. Disappearance.—There were no reports of politically motivated disappearances. However, according to the International Committee of the Red Cross, as of the end of the year, 1,796 persons were still listed as missing as a result of the 1998-99 conflict. Of these, 70 percent were Kosovo-Albanians, and 30 percent were Kosovo-Serbs and other minorities.

On September 14, a law on missing persons entered into force that defines missing persons, details rights of family members of missing persons to information, and formalizes the Government Commission on Missing Persons as the coordination body on issues related to missing persons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices. One organization found that the KP employed forms of abuse that could be considered torture to obtain confessions, while other observers found that torture did not exist in the correctional institutions. There were no reports during the year that EULEX or KFOR (which has limited arrest and detention authority) employed forms of abuse.

In October the COE's Committee for the Prevention of Torture (CPT) released a report on its June 2010 visit to detention facilities. The CPT received numerous and consistent allegations of physical mistreatment by KP officers from persons who were or had recently been taken into custody. The allegations primarily concerned punches, kicks, and blows with batons at the time of apprehension. The CPT also reported that some police officers attempted to obtain confessions during questioning with slaps, punches, kicks (including to the genitals), striking the person with hard objects, squeezing of the hand with a pencil being placed between two fingers, and beating on the soles of the feet. The CPT noted that in some cases the severity of the alleged mistreatment was such that it could "easily be described as torture." The CPT concluded that it appeared that "the situation as regards the treatment of persons deprived of their liberty by the Kosovo Police has stagnated if not deteriorated" since its 2007 visit.

In one case the CPT interviewed and conducted medical examinations of a group of detainees who alleged that officers of the KP special intervention group punched, kicked, and beat them with a variety of objects, at times with their hands cuffed behind them, a few days before the CPT delegation's visit to Prishtine/Pristina Police Station No. 1. Several detainees were injured to the point of requiring medical treatment. The detainees reported that a EULEX monitor was present at the station

and attempted to prevent the KP officers from continuing with the beatings without success. EULEX subsequently informed the CPT in September 2010 that it had "requested its Internal Investigation Unit (IIU) to undertake an investigation into possible misconduct (i.e., inaction) by the EULEX staff member present at the police station," but that the IIU closed the case on the grounds that it was unsubstantiated.

In reports based on more recent visits, domestic observers, including the Office of the Ombudsperson and the Kosovo Rehabilitation Center for Torture Victims (KRCT), found that torture as defined by the U.N. Convention against Torture did not exist in the country's correctional institutions and that isolated complaints regarding mistreatment of prisoners and detainees had consistently decreased in recent years. The Office of the Ombudsperson reported receiving only two reports of detainees or prisoners who were slapped during the year. The European Commission's Progress Report on Kosovo 2011 also noted that the number of reported cases of torture or mistreatment by police and prison staff decreased during the year.

Prison and Detention Center Conditions.—Physical conditions at prisons and detention centers were generally satisfactory, although physical conditions remained substandard in some areas.

In its October report the CPT concluded that material conditions of detention had significantly improved since its 2007 visit and that conditions were "generally satisfactory," with no overcrowding problems. The European Commission's Progress Report on Kosovo 2011 also observed that living conditions in the country's detention facilities improved and noted overall progress in relation to correctional services. The Office of the Ombudsperson commented on a general improvement in material conditions of detention and prison facilities. The CPT and KRCT reports stated that conditions remained substandard in some areas and in some parts of facilities, including poor lighting or ventilation in some cells and dilapidated kitchens, toilets, and bedding facilities in some prison and detention facilities. There were no reports that prisoners lacked access to potable water.

In addition to the alleged torture and abuses listed above, the CPT's October report cited allegations that certain prisoners had "hired" members of the establishment's special intervention group to assault physically other prisoners who were causing them trouble. The CPT also concluded that corruption and favoritism were "endemic" at the main correctional center, Dubrava Prison, and a problem at other penitentiary establishments. Interprisoner violence was also cited as a problem.

The Correctional Service managed daily operations at all correctional and detention centers. EULEX retained a limited monitoring, mentoring, and advising role in the prisons and transported prisoners upon request. As of the end of August, there were 1,195 convicted prisoners and 1,489 pretrial detainees mixed in prison and detention centers. There were 20 women and 42 juveniles in detention and prison facilities. During the year the monthly prison population at Dubrava Prison varied from 650 to 1,000 inmates, below its total capacity of 1,200. Three correctional facilities, six detention centers, one center for the protection of witnesses, and one prison hospital operated during the year.

Prisoners had access to visitors and were permitted religious observance, including the right to request visits of clerics. Prisons and detention facilities also offered modified menus for observance of holidays, including for religious fasting.

Detainees could submit complaints and requests for investigations to judicial authorities and the Office of the Ombudsperson without censorship through anonymous boxes in most prison facilities. The Office of the Ombudsperson assigned two central-level and three field staff people to monitor prisons during the year.

With assistance from the European Commission, the government started construction during the year of a new high-security prison in Podujeve/Podujevo with a capacity for 300 inmates. The government provided all correctional facilities and detention centers with surveillance cameras during the year. More prisoners were employed during the year than in previous years, and for the first time juveniles at the Lipjan/Lipljan correctional center took part in educational programs in public schools, accompanied by police, rather than in the correctional center. The KRCT observed an increased ease of access to detention and correctional facilities for observer organizations.

Authorities permitted visits and monitoring of the country's prisons and detention centers, including by the CPT and EULEX. The ombudsperson and KRCT inspected correctional and detention centers during the year. Monitors reported good cooperation from the correctional service, including the ability to conduct private interviews with inmates during visits. However, in its October report the CPT noted allegations from several prisoners that they were warned by prison officers not to complain to or have any contact with EULEX monitors.

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

Role of the Police and Security Apparatus.—Local security forces include the KP and KSF. Under the law, police function under the authority of the Ministry of Internal Affairs. EULEX operated under a mandate to monitor, mentor, and advise local judicial and law enforcement institutions. EULEX police also have operational responsibilities and conduct policing operations under a defined mandate. EULEX possesses limited executive authority in areas including organized crime, corruption, war crimes, witness protection, money laundering, terrorist financing, and international police cooperation. The KSF is a lightly armed security and civil defense force that functions under the civilian authority of the Ministry for the Kosovo Security Force and was mentored by KFOR.

Specialized police units investigating war crimes, financial crimes, and organized crime, and the EULEX police witness protection program, remained staffed by international EULEX police officers and operated independently of the KP. EULEX and the KP independently operated units on criminal intelligence and organized crime. EULEX's international police officers, prosecutors, and judges deployed in the country had broad discretion to intervene in any particular criminal matter. However, as a practical matter, most policing duties and responsibilities were in the hands of the local police.

The Police Inspectorate operated as an independent body under the Ministry of Internal Affairs and has a mandate to conduct investigations and inspections involving police personnel. The inspectorate became operational on June 1, taking over responsibility for personnel investigations from the Professional Standards Unit (PSU) of the KP. Through the end of September, the inspectorate and its predecessor, the PSU, reviewed 438 complaints, of which 380 were disciplinary violations and 58 were criminal cases. Of the 58 investigations into criminal misconduct, 25 remained under investigation, 25 were sent to the office of the prosecutor, three were sent to the court for minor offenses, three were initially investigated as criminal cases but were reduced to disciplinary violations, and two cases were closed for lack of evidence.

The PSU investigated minor police violations and imposed administrative penalties for infractions. During the year the unit opened 1,244 cases, including instances of minor insubordination and damage or loss of police property. At year's end 284 cases remained under investigation.

Arrest Procedures and Treatment While in Detention.—Police generally made arrests openly using a warrant issued by a judge or prosecutor and based on sufficient evidence. In some cases masked or undercover officers conducted arrests. By law arrests must be based on prosecutors' orders, and arrestees must be brought before a judge within 48 hours. The majority of the year's arrests were carried out by police. There were no reports that police abused the 48-hour rule, and authorities generally charged arrestees within six to eight hours or released them. Arrestees have the right to be informed of the reason for their arrest in a language they understand, remain silent and not answer any questions except those concerning their identity, obtain free assistance of an interpreter, obtain defense counsel and have defense counsel provided if they cannot afford one, and receive medical and psychiatric treatment. Police also have the right to take a person into temporary police custody for up to six hours to protect the person from harm or danger or if the person is uncooperative with lesser measures. Kosovo and EULEX police generally respected most of these rights in practice, but the CPT found that some investigators did not inform detainees of their rights.

In its October report the CPT noted a number of allegations from detained persons that they were not able to contact a lawyer at the outset of their deprivation of liberty, but only at the start of the initial period of questioning with an investigating police officer. The CPT stated that in several cases the right of access to a lawyer allegedly became effective only after the person concerned was questioned and that a number of detained persons complained that, while they had asked for an ex officio lawyer immediately after apprehension, their first contact with the lawyer took place only at their initial court appearance.

While detainees have the right to notify family members of their detention, the CPT noted in its October report that authorities' respect for this right generally seemed to have deteriorated since its 2007 visit. The CPT reported that a number of detained persons complained that the KP failed to comply with their request to have a family member notified shortly after their apprehension and that the notification was made only towards the end of police custody. The CPT corroborated the

allegations through an examination of custody registers and custody records in several of the police stations it visited.

Following an initial ruling, a court may hold individuals in pretrial detention for 30 days from the date of arrest and can extend detention up to a total of one year if no indictment has been filed. After the filing of an indictment and until the conclusion of trial proceedings, detention on remand may be ordered or terminated only by ruling of the trial panel. There is a functioning bail system. The law allows for house arrest, confiscation of travel documents, and the expanded use of bail as alternatives to pretrial detention. Defendants can also appeal their detention on remand.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can detain individuals for 72 hours, renewable for a second 72-hour period. After 144 hours, KFOR must release the detainee. There were no reports that KFOR arrested persons without a warrant during the year.

Pretrial Detention.—Lengthy detentions, both before and during judicial proceedings, remained a problem. The law provides that a judge may impose pretrial detention when there is well-grounded suspicion that a person has committed a criminal offense and that he or she is likely to destroy, hide, or forge evidence, influence witnesses, flee, repeat the criminal offense or engage in another criminal offense, or when other measures provided by the law are insufficient to secure the defendant's presence during criminal proceedings. In practice, however, judges routinely used detention on remand without requiring any evidentiary justification. In particular, in the Mitrovice/Mitrovica District Court, which temporarily sits in Vushtrri/Vucitrn, detention on remand for defendants was continuously extended throughout the period when the court operated with limited capacity. At year's end 457 of 1,918 persons held in pretrial detention during the year were still detained.

Factors including judicial inefficiency and corruption caused trial delays.

Amnesty.—On February 17, the acting president pardoned 103 individuals (approximately 10 percent of the total prison population) in honor of the country's third anniversary of independence.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary. However, the judiciary was at times biased, subject to outside influence, and did not always provide due process. There were reports of corruption in the judiciary, and the court system was inefficient. Unlike in previous years, an effective mechanism for disciplinary proceedings against judges was in place, and 34 cases against judges were heard and decided by the end of September.

In November the European Commission reported improvement in the country's judicial system, but it noted that the system remained weak and judicial efficiency needed to be enhanced.

The court system included a constitutional court, a supreme court, five district courts, a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. Through EULEX, 31 international judges and 15 international prosecutors supported local judges and prosecutors. There was one state public prosecutor's office, five district prosecutors' offices, and seven municipal prosecutors' offices. EULEX exercised its executive authority over a special prosecutor's office of eight international prosecutors focused on serious crimes including trafficking in persons, money laundering, war crimes, and terrorism.

In criminal cases in which EULEX international judges exercised their jurisdiction, EULEX judges sat on mixed panels with local judges. EULEX judges were the majority on these panels, with one EULEX judge serving as the presiding judge. The president of the Assembly of EULEX Judges has the authority to create a panel solely or the majority of which are local judges or to not assign particular stages of proceedings to EULEX judges. For civil cases in which EULEX international judges exercised jurisdiction, judicial panels were composed of three judges, two of whom were EULEX judges.

Under the Judicial Council, the Office of the Disciplinary Commission is responsible for investigating the activities of judges and lay judges and for prosecuting cases of misconduct before the Judicial Council. Through the end of August, 149 new cases were referred to the commission for action.

The Mitrovice/Mitrovica District Court continued to function partially during the year. Only EULEX judges were based at the court's premises in northern Mitrovica. EULEX operations at the Mitrovica District Court ceased in the fall after Serb hardliners in North Mitrovica actively prevented EULEX judges and prosecutors from reaching the court. EULEX was forced to reconsider relocating trials elsewhere in the country. Other operations of the Mitrovice/Mitrovica district and municipal courts and the Mitrovice/Mitrovica district and municipal prosecutors' offices continued to operate from the Vushtrri/Vucitrn Municipal Court. District and municipal

courts in Mitrovice/Mitrovica and municipal courts in Leposaviq/Leposavic and Zubin Potok remained closed following 2008 protests against the country's independence.

The Serbian government continued to operate an illegal parallel judicial system in Kosovo-Serb enclaves and in majority Serb municipalities.

Trial Procedures.—Trials are public, and defendants enjoy the presumption of innocence, the right to be present at their trials, confront witnesses, see evidence, and have legal representation. Authorities may provide legal representation at public expense if necessary; however, this procedure was used rarely in practice. Defendants have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

The Legal Aid Commission, an independent government agency, provided free legal assistance to low-income individuals. Most of the assistance provided by the commission during the year was for civil or administrative matters. The Ministry of Justice also operated a victims advocates' section, assisting in providing access to justice for victims of crime. The section provided free legal assistance for victims of all crimes with a special focus on victims of domestic violence, trafficking in persons, child abuse, and rape. The section operated 15 offices throughout the country and provided assistance 24 hours a day.

A judicial integration section operated by the Ministry of Justice continued to address problems affecting minorities. To that end, the ministry operated 11 court liaison offices to assist minority communities in Kosovo-Serb majority areas by accompanying them to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and IDPs.

EULEX oversees war crimes cases. EULEX can investigate and adjudicate cases either independently or, where appropriate, jointly with Kosovo counterparts.

Political Prisoners and Detainees.—There were no reports that the government or KFOR held political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Individuals may appeal to courts in order to seek damages for, or cessation of, human rights violations. There were many such lawsuits pending. Individuals turned to the Constitutional Court for review of their rights to due process. More than 60 percent of the 164 cases filed with the Constitutional Court during the year alleged violations of constitutional rights by courts, prosecutors, or police.

Property Restitution.—Systemic challenges to the restitution of property persisted. A June report by the Organization for Security and Cooperation in Europe (OSCE) found that unresolved property claims related to the Kosovo conflict hindered the return of refugees and adversely affect the human rights of all communities, particularly Kosovo-Serbs and other non-Albanian communities. A confusing mix of laws, regulations, administrative instructions, and court practices, as well as the illegal reoccupation of properties and multiple claims for the same property, hindered the legal system's review of property rights cases.

The Kosovo Property Agency (KPA) is responsible for the resolution of residential, commercial, and agricultural property claims arising from the Kosovo conflict. OSCE monitors noted several problems hindering the KPA's work, including multiple claims filed for the same property, illegal reoccupation of properties, obstacles to registration of property titles, and delays in appointing members to the KPA appellate panel. Kosovo-Serbs in the northern part of Mitrovice/Mitrovica continued to occupy Kosovo-Albanian-owned properties and denied their owners access; Kosovo-Albanians in the southern part of the municipality occupied and denied Kosovo-Serbs access to their property. During the year the KPA carried out only a fraction of the evictions for which it had orders due to concern by authorities that attempts to serve eviction notices would lead to violence. Limitations on the KPA's exercising its mandate in the north and a lack of criminal prosecution of property rights violators also hindered implementation of property rights decisions.

The backlog of property-related claims in municipal courts remained high, with approximately 20,000 outstanding at year's end, representing almost exclusively monetary claims by Kosovo-Serbs for war-related damage.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government, EULEX, and KFOR generally respected these prohibitions in practice. KFOR forces retained the ability to assist local police and EULEX police in conducting searches for high-risk suspects, and independently to search private property for weapons without court orders, based on U.N. Security Council Resolution 1244's peacekeeping authority. During the year KFOR did not conduct any such searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. However, there were reports that public officials, politicians, and businesses intimidated media representatives. The media also encountered difficulties in obtaining information from the government and public institutions, compounded by the failure of the government formed in February to appoint a spokesperson.

Freedom of the Press: According to the Association of Professional Journalists of Kosovo (APJK), media outlets' financial difficulties left the editorial independence and journalistic professionalism of both print and television media vulnerable to outside influence and pressure. A few newspapers were financially self-sufficient and thus able to develop editorial policies independent of business and political interests. However, other newspapers relied on funding from businesses and political interest groups, as well as the government, which provided financial support in exchange for positive coverage or absence of critical coverage.

The budget of the public broadcaster, Radio Television Kosovo (RTK), is controlled by the Assembly. The law provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to minority communities in their respective languages on a proportional basis.

Violence and Harassment.—Through the end of the year, the APJK reported 33 instances of government officials, business interest groups, or media owners abusing press freedom, including making verbal threats to journalists and their agencies, pressuring outlets not to publish materials and articles, and obstructing the work of journalists. The APJK also reported that many journalists complained that editors often did not allow them to publish or broadcast stories critical of the government or particular officials due to editors' or media outlets' connections to, or preferences for, certain senior government officials. In some cases journalists reported that editors threatened to fire them if they continued to produce stories critical of the government. Five journalists reported that editors prevented them from producing stories on high-level government corruption.

Censorship: While there was no direct censorship of print or broadcast media, journalists reported pressure from politicians and organized crime frequently resulted in self-censorship. Some journalists refrained from critical investigative reporting due to fear for their personal security or their jobs. Journalists were occasionally offered financial benefits in exchange for positive reporting or for abandoning an investigation, and government officials and suspected criminals verbally threatened some journalists for perceived negative reporting. According to editors, government agencies and corporations withdrew advertising from newspapers that published material critical of them.

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the government, EULEX, and KFOR generally respected this right in practice.

The law on public gatherings requires that organizers inform police of protests 72 hours prior to the event. Police are required to notify the organizers within 48 hours if the protest will be allowed.

Vetevendosje ("Self-Determination" Movement) reported that seven protesters were injured in a clash with police during a May 12 protest in front of two government buildings. The Vetevendosje activists initiated the violent protest against the visit of a senior Serbian government official. Police responded with tear gas when protesters threw stones and bags of paint at government buildings. Fifteen KP officers were injured, and protesters damaged government buildings and vehicles.

Freedom of Association.—The constitution and law provide for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government and EULEX generally respected these rights; however, interethnic tensions, roadblocks

placed by Kosovo-Serb hardliners, and real and perceived security concerns restricted freedom of movement in practice.

The government cooperated with the Office of the U.N. High Commissioner on Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Police continued to assess the security situation as stable but fragile. Members of all ethnic communities continued to remain largely within or traveled between areas where their group comprised the majority.

In-country Movement.—Roadblocks in the north put in place by Serb hardliners from July through the end of the year greatly limited movement there and in some cases cut off access to areas altogether in reaction to a joint EU-KFOR-Kosovo government effort to introduce legal Kosovo customs controls at northern border crossings. In addition, perceived risks and sporadic incidents of violence and intimidation continued to limit freedom of movement for Kosovo-Albanians in the north and Serbs in other parts of the country.

On July 27, Serb hardliners attacked and set fire to the border facilities at Jarinje on the Kosovo-Serbia border.

On September 28, nine KFOR soldiers sustained injuries in attacks by Kosovo-Serb hardliners at the Jarinje border control point. The hardliners used pipe bombs, semiautomatic weapons, a grenade, and vehicles against KFOR soldiers in an effort to break through a vehicle checkpoint and disrupt security and customs procedures at the border. Several Serb hardliners were also injured in the attack when KFOR forces responded in self-defense.

On November 28, Serb hardliners protested KFOR efforts to remove a barricade near the village of Jagnjenica in Zubin Potok municipality. Protesters fired shots, threw firecrackers and Molotov cocktails, and used pipe bombs against KFOR personnel, injuring 29 KFOR personnel, including four KFOR soldiers who were seriously injured.

Internally Displaced Persons (IDPs).—According to the UNHCR, at year's end there were 18,093 registered displaced persons within the country from the 1999-2000 conflict and subsequent violence, 54 percent of whom were Kosovo-Serbs, 40 percent Kosovo-Albanians, and 6 percent from Romani, Ashkali, and Egyptian communities. Significant numbers of additional IDPs, particularly Roma, Ashkali, and Egyptians, remained unregistered and uncounted by authorities, according to the Internal Displacement Monitoring Center (IDMC). Of the 4,100 persons displaced by riots in 2004, approximately 1,000 remained IDPs. Most IDPs remained in areas where their ethnic group was a numerical majority, according to the IDMC. An estimated 4,000 IDPs continued to live in collective centers under poor conditions and with intermittent assistance, according to the IDMC. Many unregistered displaced Roma, Ashkali, and Egyptians lived in informal settlements lacking electricity and other basic services.

During the year the Ministry of Communities and Returns budgeted five million euros ($6.5 million) for return of and assistance to IDPs. International community donors also provided funding directly to implementing partners of projects for returns in coordination with the Ministry of Communities and Returns. The funds were spent on housing reconstruction, food and nonfood assistance, income generation grants, and basic support infrastructure, such as roads and water systems. However, a lack of housing and poor economic conditions remained principal impediments to return. Many IDPs also reportedly remained reluctant to return home because of security concerns, poor local services, and difficulties repossessing and rebuilding their property.

Protection of Refugees.—Access to Asylum.—The law provides for granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Administrative instructions to implement the law, such as procedures and standards for the reception and initial treatment of asylum seekers, and rights and obligations of asylum seekers, have been promulgated but not yet implemented. During the year the UNHCR continued to assist the Department of Citizenship, Asylum, and Migration in building its capacity to adjudicate claims, provide training to border police in identifying and processing individuals who request asylum at ports of entry, and prevent the return of persons to countries where their lives or freedom would be threatened. A national commission for refugees, established in 2010, began operations during the year. The government, in cooperation with the European Commission, was constructing a new reception center for asylum seekers in the Lipjan/Lipljan municipality.

During the year 2,715 people were forcibly returned to the country, mainly from Western Europe. During the year the government increased, by tenfold over 2010,

funding for reception and reintegration programs for involuntary returnees, primarily Romani, Ashkali, and Egyptian families and individuals returning from Western Europe. Despite this progress the U.N. Security Council's October 31 report stated that repatriated persons continued to face difficulties in accessing civil registration services, housing, health care, employment, and education.

Durable Solutions.—At year's end the country hosted 146 refugees, mostly from neighboring countries.

According to the UNHCR, during the year 188 asylum seekers applied for international protection in the country. The Department of Citizenship, Asylum, and Migration and the asylum center accommodated all asylum seekers. At year's end nine asylum seekers remained in the country.

Stateless Persons.—Figures on stateless persons were unavailable, but the UNHCR reported assisting 13,135 persons from the Romani, Ashkali, and Egyptian communities to obtain civil status registration in recent years. Children acquire citizenship from their parents or by virtue of birth in the country.

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

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

The Serbian government continued to operate illegal parallel government structures in Kosovo-Serb enclaves.

Elections and Political Participation.—Recent Elections.—In December 2010 the country held snap Assembly elections, following a November 2010 Assembly vote of no confidence in the government. The elections carried into 2011. On January 9, the government held a re-vote in the municipalities of Skenderaj/Srbica, Gllogovac/Drenas, and Decan/Decani as well as in three polling stations in Malisheve/Malisevo and Lipjan/Lipljan, where the Central Election Commission annulled results due to irregularities and electoral manipulations. On January 23, the government organized a re-vote in the municipality of Mitrovice/Mitrovica as a result of a Supreme Court decision on a political party's appeal regarding failures of the ultraviolet ink and lamps used in the December 2010 round of elections.

Domestic and international observers stated the elections met many international standards but noted serious irregularities and electoral manipulations in some areas, including breeches of election procedures, falsification of signatures on the voters' list, and irregularities in counting. They reported incidences of family voting (male heads of household voting on behalf of female family members) throughout the country. Observers also cited instances of pressure and intimidation of domestic observers.

Following its constitutive session the Assembly approved the new coalition government, led by Prime Minister Hashim Thaci's Democratic Party of Kosovo, and elected Behgjet Pacolli as president on February 22. On March 30, following a request by opposition parties, the Constitutional Court ruled that the Assembly's election of President Pacolli violated the constitution because there was not a valid quorum to conduct the vote and due to the failure of more than one candidate to contest the election. In its decision the court declared that the Assembly's vote was no longer in force and immediately ended Pacolli's mandate. Political leaders subsequently agreed on a consensus candidate, and on April 7, the Assembly elected Atifete Jahjaga as president. The political agreement was based on significant electoral reform, which continued at year's end.

Political Parties.—Political parties could operate without restriction or outside interference, but party affiliation played an important role in access to government services and social and employment opportunities. Clan loyalties also played an important, although unofficial, role in political organizations.

Participation of Women and Minorities.—There were 40 women in the 120-seat Assembly. The electoral law requires a 30 percent quota for female parliamentarians. There were no women on the six-member Assembly presidency. In the government there were two female deputy prime ministers and two female ministers (one served concurrently as a deputy prime minister). There were no female deputy ministers. While no women were elected in the 2010 mayoral elections, women represented 31 percent of elected municipal representatives.

There were 25 ethnic minority members in the Assembly, including 13 Kosovo-Serbs and 12 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. The constitution requires that the Assembly reserve 10 seats for Kosovo-Serbs and 10 for members of other ethnic groups.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials reportedly engaged in corrupt practices. There was widespread public perception of corruption in the government. International organizations and nongovernmental organizations (NGOs) continued to report that corruption was a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the government. The institutional weakness of the Anticorruption Agency also contributed to lax oversight of anticorruption efforts. In November the European Commission reported some progress in the fight against corruption, including the government's "starting to tackle some of the corruption cases."

On September 20, investigators from the EULEX Special Prosecutor's Office interviewed former minister of transport and telecommunications and assembly member Fatmir Limaj related to an investigation. Investigators suspected Limaj of embezzling as much as 80 million euros ($104 million) from the ministry and through tendering procedures during his tenure as minister. On November 16, in response to a request of the EULEX Special Prosecutor's Office, the Supreme Court granted a final six-month extension to the investigatory period in the case.

On May 3, an appeals panel confirmed the indictment against five citizens for trafficking in human organs, organized crime, unlawful medical activities, and abuse of official authority in 2008. The charges related to the Medicus Clinic in Pristina, which the KP closed in 2008 after a months-long investigation for the international trafficking of organs. On June 10, a EULEX prosecutor from the Special Prosecutor's Office filed an additional indictment against two individuals. The trial began on October 4 at Pristina District Court before a panel of one Kosovo and two EULEX judges. All seven defendants pleaded not guilty. The trial continued at year's end.

Corruption and government influence remained problems in the security forces. In June the KP Anticorruption Task Force arrested eight KP officers from the Mitrovice/Mitrovica Operations Support Unit on charges of corruption and taking bribes. The officers were suspected of extorting money from truck drivers at vehicle checkpoints. The case continued at year's end.

On December 15, a mixed panel of EULEX and Kosovo judges in the Pristina District Court dismissed all five counts of a corruption-related EULEX indictment against former Central Bank of Kosovo governor Hashim Rexhepi due to lack of evidence. EULEX initially filed an indictment against Rexhepi on suspicions of abuse of official position, corruption, bribery, tax evasion, and money laundering in August 2010.

On September 8, the pretrial judge in the Pristina District Court dismissed all charges against customs director Naim Huruglica and customs legal advisor Lulzim Rafuna for involvement in a scheme to deprive the government of 2.5 million euros ($3.3 million) in cigarette tax revenue. The judge ruled that EULEX prosecutors had no credible evidence to secure a conviction. However, on October 19, a mixed panel of Kosovo and EULEX judges in the District Court of Pristina decided to uphold partially an appeal by the prosecution and confirmed one count of the indictment, abuse of official position.

The Anticorruption Agency and the Office of the Auditor General (OAG) are the two major agencies responsible for combating corruption in the government. During the year the Anticorruption Agency received approximately 150 reports of corruption in addition to 67 cases that carried over from 2010; 25 cases were referred for prosecution, 10 were passed to the KP, approximately 100 were closed for lack of evidence, and approximately 70 were under investigation.

The OAG reviewed fiscal management and accountability in the central government, municipal authorities, and publicly owned enterprises. During the year the OAG audited most ministries, the president's office, and the Assembly.

The law provides for public access to government information as well as penalties for institutions and officials that do not provide access to information as required by the law.

A study conducted by the NGO FOL ("Speak Up") covering the period from May 2010 to May 2011 indicated that approximately 48 percent of requests for access to official documents (sent randomly to local and central authorities) received positive responses.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The government was occasionally cooperative and responsive to

their views. The government from time to time met with domestic NGO monitors, responded to their inquiries, or took action in response to their reports or recommendations.

Governmental Human Rights Bodies: The Office of the Ombudsperson has the authority to investigate allegations of human rights violations and abuse of government authority. The ombudsperson was considered ineffective, and a number of senior and experienced staff members resigned from the office during the year. Up to the end of September, the office issued only one public statement regarding human rights violations. The statement was unrelated to government institutions and thus outside the scope of the ombudsperson's authority, and it contained factual inaccuracies regarding the situation it sought to address. The European Commission's Progress Report on Kosovo 2011 noted the weaknesses of the ombudsperson's institution and cited the need for the ombudsperson to improve communication with the public on the results of his work.

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

The law specifically prohibits discrimination on the basis of race, gender, ethnic origin, disability, social status, or language. The government did not effectively enforce these prohibitions.

Women.—Rape and Domestic Violence.—Although the law criminalizes rape, spousal rape is not specifically addressed. Under the criminal code, rape is punishable by two to 10 years in prison; statutory rape (sexual intercourse with a child under 16 years old) is punishable by five to 20 years in prison. Rape involving homicide is punishable by imprisonment for 10 to 40 years. Observers believed that rape was significantly underreported due to the cultural stigma attached to victims and their families.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. The law prohibits domestic violence, and convictions carry prison terms of six months to five years. The law treats domestic violence as a civil matter unless the victim suffers bodily harm. Failure to comply with a civil court's judgment relating to a domestic violence case is a criminal offense and can be prosecuted. When victims pressed charges, police domestic violence units conducted investigations and transferred cases to prosecutors. According to the Special Prosecutor's Office, family loyalties, poverty, and the backlog of cases in both civil and criminal courts contributed to the low rate of prosecution.

Convictions for domestic violence were rare, and sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

The Ministry of Labor and Social Welfare had a unit dedicated solely to dealing with family violence. The ministry provided some financial support to NGOs running shelters for domestic violence victims that also accommodated some trafficking victims. The ministry also provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

The police training school offered special courses on domestic violence and rape. Police reportedly responded appropriately to rape and domestic abuse allegations.

Sexual Harassment.—There is no specific law against sexual harassment, which was a common problem. Women's rights organizations indicated that sexual harassment commonly occurred on the job but went unreported due to fear of being fired or subjected to physical retaliation. Public awareness of sexual harassment remained low, and few cases were reported.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. The law protects the reproductive rights of individuals and couples, including the right to information and access to reproductive services. In practice the government generally respected reproductive rights. The U.N. Population Fund reported that access to reproductive health information and treatment was generally widespread and equitable, but poor, marginalized, and illiterate communities often received limited access to information. Public health care provided limited treatment for sexually transmitted infections.

Discrimination.—Women possess the same legal rights as men but traditionally have a lower status within the family, which affected their treatment within the legal system. The Agency for Gender Equality in the Prime Minister's Office has the mandate to implement and monitor the gender equality law.

Relatively few women obtained upper-level management positions in business, police, or government. Women represented less than 30 percent of the government workforce. According to the Business Registration Agency, women owned fewer than 5 percent of registered businesses.

While the law makes no gender distinction in the right to inherit property, family property customarily passes only to men. In rare cases Kosovo-Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family while the widow returns to her birth family.

Children.—Birth Registration.—Children acquire citizenship from their parents or by virtue of birth in the country. According to a 2008 U.N. Children's Fund (UNICEF) study, 14 percent of Romani, Ashkali, and Egyptian children in Kosovo-Albanian-majority areas were not registered at birth. In Kosovo-Serb-majority areas, 5 percent of these children were not properly registered. UNICEF reported that, as a rule, a lack of registration did not affect a child's ability to receive elementary education or health care but could have an adverse effect on access to social assistance.

Child Abuse.—The extent of child abuse in the country was unknown, but UNICEF believed it was underreported significantly due to lack of awareness and victim services as well as authorities' limited capacity to identify, report, and refer cases of abuse.

Child Marriage.—There was anecdotal evidence of child marriage, particularly in the Romani, Ashkali, Egyptian, and Kosovo-Albanian communities. The government and NGOs did not compile statistics on child marriage.

Sexual Exploitation of Children.—Statutory rape is a criminal offense punishable by five to 20 years in prison, depending on circumstances and the age of the victim.

The law prohibits possession, production, and distribution of child pornography. Persons who produce, use, or involve a child in making or producing pornography are subject to one to five years' imprisonment. Distribution, promotion, transmission, offer, or display of child pornography is punishable by six months' to five years' imprisonment. Possession or procurement of child pornography is punishable by fine or imprisonment of up to three years.

International Child Abductions.—The country is a not party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were fewer than 100 Jews in the country. In late November unknown persons painted swastikas on all of the approximately 80 tombstones in a Jewish cemetery in Pristina. Government officials, religious communities, and associations strongly denounced the desecration of the graves. The Ministry of Culture's Institute for the Protection of Monuments cleaned the graves and pavement in the cemetery following the incident, removing the paint. The KP was investigating the case at year's end but had no suspects.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services. However, the situation for persons with disabilities remained difficult. The government did not effectively implement laws and programs to provide persons with disabilities access to buildings, information, and communications. The Office of the Ombudsperson itself was not accessible for persons with physical disabilities.

The Ministry of Labor and Social Welfare is the government agency responsible for protecting the rights of persons with disabilities. By law protection and provision of services is offered to all citizens. However, there was considerable discrimination in practice, and ensuring the rights of persons with disabilities was not a government priority. Kosovo Mental Disability Rights International (K MDRI) found that the government was failing to implement its national action plan for people with disabilities and highlighted failures of the Ministry of Labor to provide opportunities for persons with disabilities to be integrated into society.

According to HandiKos, a local disability rights NGO, authorities did not adequately implement laws and governmental action plans relating to persons with disabilities. As a result children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient access to health and social services.

There were legal protections for children with disabilities. According to the Ministry of Education, there were seven special residential schools for children with disabilities and 77 special needs classrooms attached to regular schools. The ministry

reported that at year's end 1,179 pupils were receiving special education. According to the U.N. Development Program (UNDP), children with disabilities faced a number of barriers to access to mainstream educational facilities, including the lack of transportation to and from educational facilities, special training for teachers, and appropriate infrastructure. As a result, only 10 percent of children with disabilities were enrolled in mainstream schools. The Ministry of Labor lacked funding and personnel to implement laws to provide support to families of children with disabilities.

According to K MDRI and the CPT, persons with mental disabilities continued to be detained without legal basis in isolated conditions. K MDRI noted that there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions. The World Health Organization (WHO) estimated there were 14,000 persons with mental disabilities in the country. K MDRI reported an estimated 50,000 persons with mental disabilities living isolated and stigmatized lives outside of institutions.

The government-operated Shtime/Stimlje Institute maintained a facility for persons with developmental or intellectual disabilities with 56 residents run by the Ministry of Labor and a separate psychiatric facility with 57 residents, run by the Ministry of Health. Citing insufficient training for staff and a lack of rehabilitative programming for patients and residents, K MDRI advocated closing the Shtime/Stimlje facility and placing its patients and residents into homes and apartments in urban areas where they could be integrated in the community.

During the year the Ministry of Health hired a person with special needs to conduct outreach to persons with disabilities. The ministry operated eight integration and community homes across the country, providing inpatient care for 75 persons with mental disabilities. In addition the Ministry of Labor operated another 10 community homes with approximately 10 to 15 residents in each facility. K MDRI reported that while these homes were intended to be transitional, most residents spent years there with little prospect of integration into the community. According to the WHO there were not enough facilities to provide care for persons with mental disabilities, and employment opportunities for persons with mental disabilities were limited.

National/Racial/Ethnic Minorities.—Ethnic minorities, which included Serb, Romani, Ashkali, Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities, faced varied levels of institutional and societal discrimination, in areas such as employment, education, social services, language use, freedom of movement, IDPs' right to return, and other basic rights.

Members of the Romani, Ashkali, and Egyptian communities were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. An OSCE report in May found that, despite steps taken by the government to implement an action plan for the integration of Romani, Ashkali, and Egyptian communities, governmental institutions had fallen short of fulfilling their commitments to create appropriate conditions for their integration. Reports of violence and other crimes directed at minorities and their property persisted.

There were clashes between groups of Kosovo-Albanians and Kosovo-Serbs during the year as well as incidents of interethnic violence at border points from July through late November.

On November 9, in the ethnically mixed neighborhood of Brdjani/Kroi i Vitakut in North Mitrovica, a fight broke out which resulted in the shooting of two Kosovo-Serb civilians and one KP officer (also a Kosovo-Serb). One Kosovo-Serb civilian later died of his injuries. The fight reportedly began after a Kosovo-Albanian security guard in the neighborhood saw Kosovo-Serbs removing construction materials from a Kosovo-Albanian house under renovation there. The case remained under investigation at year's end.

On October 20, a Kosovo-Albanian, Nasif Visoqi, shot and killed one Kosovo-Serb man and injured two others in Dobrusa village in Istog/Istok municipality in a land dispute. Visoqi turned himself in to police, confessed to the attack, and remained in custody at year's end. No date was set for a trial in the case.

During events to mark the Serbian Vidovdan holiday in the country on June 27 and 28, unknown persons stoned three Serbian busses, causing reported damage to windows and light injuries to several passengers. KP arrested two Kosovo-Serbs for "inciting national hatred" when they dressed in the full military uniform of the extremist Chetnik movement during the Vidovdan events.

On September 22, September 26, October 6, October 12, and October 30, ethnic Albanian Vetevendosje activists attacked trucks with Serbian license plates carrying commercial goods into the country. In the attacks the Vetevendosje activists dressed as road workers and stopped the trucks, removed and damaged the goods they carried, and in four instances rolled the trucks over. In the September 26 attack, the

driver reported that the activists assaulted him, and he received medical attention afterwards. All cases were under investigation by the KP at the year's end.

The KP arrested and later released two ethnic Albanians for stoning a bus carrying Serbs to visit a cemetery in Gjakove/Gjakova for All Souls' Day on June 11. There were no injuries or material damage reported in the case.

According to a 2010 report prepared by the prime minister's Office of Community Affairs, minority employment in public institutions was limited and generally confined to lower levels of the government. The report recommended that the government more actively reach out to minorities and implement reporting, recruiting, training, equal opportunity, and language procedures. There was no effective mechanism for monitoring levels of minority employment in public institutions.

In education the law requires equal conditions for schoolchildren regardless of mother tongue and provides the right to native-language public education for minority students through secondary school. However, the Ministry of Education, Science, and Technology and international organizations reported that school enrollment rates were lowest among non-Serb minority communities (Ashkali, Bosniak, Egyptian, Gorani, Romani, Turkish, and others), and the European Commission's Progress Report on Kosovo 2011 noted little improvement in access to education for minority communities. The UNDP's 2010 Kosovo Human Development Report stated that nearly all Kosovo-Albanian and Kosovo-Serb children were enrolled in primary school, while only 77 percent of children of other ethnic groups were enrolled. Romani, Ashkali, and Egyptian children attended mixed schools with Kosovo-Albanian and Kosovo-Serb children and reportedly faced intimidation and bullying in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work at an early age to contribute to family income.

There were numerous reports that Kosovo-Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo-Albanians. The KPA reported it faced frequent cases of illegal occupation and reoccupation of properties, with many properties vandalized or destroyed.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The constitution and law prohibit discrimination based on sexual orientation. However, there were reports of violence and discrimination directed against LGBT individuals. The Center for Social Group Development (CSGD), a local NGO focused on LGBT health issues, reported that traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. LGBT individuals generally felt insecure, and many reported threats to their personal safety.

The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized LGBT persons as mentally ill. Leaders of at least one political party, the Islamic-oriented Justice Party, made public statements condemning homosexuality.

The CSGD reported that while there was little official discrimination against LGBT persons, there were a number of cases of societal discrimination against LGBT individuals during the year. Victims generally refused to allow the CSGD to present their cases publicly due to fear of discrimination. While there were no overt impediments to the CSGD's operation, social pressure and traditional attitudes effectively limited its activities.

There was no official discrimination in employment, housing, statelessness, access to education, or health care, but societal pressure persuaded virtually all LGBT persons to conceal their sexual orientation or gender identity.

Other Societal Violence or Discrimination.—While there were no confirmed reports of official discrimination against persons with HIV/AIDS during the year, there were anecdotal reports that such discrimination occurred.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—Law and regulations allow workers to form and join independent unions of their choice without previous authorization or excessive requirements. While the law does not expressly recognize the right to strike, strikes were generally permitted in practice. The law permits unions to conduct their activities without interference. Government regulations provide for the right to organize and bargain collectively without interference or restriction. Antiunion discrimination is prohibited by regulation.

In practice the government did not restrict the right to organize and bargain collectively and allowed unions to conduct activities without interference.

In general the government respected the right to form and join unions; however, private companies at times threatened their employees when they joined or established unions. Some union officials reported antiunion discrimination in practice. The Association of Independent Trade Unions of Kosovo (BSPK) and the Confed-

eration of Free Unions (CFU) reported that only a small number of companies respected regulations preventing antiunion discrimination and claimed that worker rights were abused in every sector, including in international organizations, where staff did not receive pensions.

b. Prohibition of Forced or Compulsory Labor.—The criminal code prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—Regulations prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; however, with the exception of trafficking, the government rarely challenged these practices.

Regulations permit children to work at the age of 15, provided the employment is not harmful or prejudicial to school attendance. Regulations set 18 as the minimum age for any work likely to jeopardize the health, safety, or morals of a young person.

Child labor remained a problem. According to UNICEF, in recent years the number of children begging on the streets of towns and cities rose, although the overall number of child beggars remained unknown. While most children were not their families' main wage earners, child labor served as a major contribution to many families' income.

In rural areas young children typically assisted their families in agricultural labor. Urban children often worked in a variety of unofficial retail jobs, such as selling newspapers, cigarettes, and phone cards on the street. Some children were also engaged in physical labor, such as transportation of goods. International NGOs active in the country continued to report child labor violations during the year.

The Ministry of Labor coordinated child protection policies for the government, and police had the lead on enforcing child labor laws. The ministry established a system for monitoring incidents of child labor in municipalities.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at http://www.dol.gov/ilab/programs/ocft/tda.htm

d. Acceptable Conditions of Work.—There is no law establishing a minimum wage. The Social Economic Council, comprised of the government, chamber of commerce, and an association of trade unions agreed in 2010 to set the national minimum wage at 170 euros ($221) per month, which was generally respected albeit not enforceable as law. The World Bank's Consumption Poverty Report 2009 indicated that slightly more than one-third of the population lived below the poverty line of 1.55 euros ($2.02) per adult equivalent per day, and 12 percent lived below the extreme poverty line of 1.02 euros ($1.33) per day. The average monthly salary in the country was 345 euros ($449).

Regulations provide for a standard 40-hour workweek, require rest periods, limit the number of regular hours worked to 12 hours per day, limit overtime to 20 hours per week and 40 hours per month, require payment of a premium for overtime work, and prohibit excessive compulsory overtime. The law provides for 20 days of paid leave per year for employees and up to12 months of maternity leave.

During the year employers often failed to abide by official labor standards due to a lack of government enforcement, particularly with regard to the standard workweek and compulsory and unpaid overtime. Employees often did not report such violations due to fear of reprisals. According to the BSPK, many individuals worked long hours in the private sector as at-will employees without employment contracts, regular pay, or pension contributions paid on their behalf. Employees reported being fired without cause in violation of existing laws and being denied holidays. Women's rights organizations indicated that sexual abuse occurred on the job but went unreported due to fear of expulsion or physical retaliation. According to union officials, workers in the public sector commonly faced similar mistreatment, including sexual harassment and the loss of employment due to political party affiliation.

The Labor Inspectorate within the Ministry of Labor is responsible for enforcing labor, health, and safety standards. There were 50 labor inspectors. However, the inspectorate primarily advised employers and, although it issued 792 citations for various labor standard violations during the year, many fines remained unpaid pending litigation.

While the law protects employees' health and working conditions, many private and public institutions failed to comply with it. Labor inspectorate officials reported difficulties in obtaining accurate information because workers rarely disclosed the

problems themselves in spite of legal protections. The Ministry of Labor reported 10 workplace fatalities and 31 workplace accidents during the year.

LATVIA

EXECUTIVE SUMMARY

The Republic of Latvia is a multiparty parliamentary democracy. Legislative authority is vested in the unicameral parliament (Saeima). Elections on September 17 for the 100-seat parliament were free and fair. Security forces reported to civilian authorities.

The most significant human rights problem affecting Latvia was corruption, which was perceived to exist at all levels of government. Conditions at police detention facilities and prisons remained poor, although the government made efforts to improve them. The problems related to both inadequate facilities and abuse of prisoners by guards. Violence against women, including rape and domestic violence, remained a persistent problem during the year with incidents underreported to police.

Other human rights problems included police abuse of detainees, lengthy pretrial detention, delays in court proceedings, political interference in state-owned media, and administrative burdens for public demonstrations and on "nontraditional" religious groups. Noncitizens, who constituted some 16 percent of the adult population, naturalized at a slow rate and did not participate in the election process. Other problems reported during the year included an ineffective ombudsman's office, sex tourism, incidents of anti-Semitism, trafficking in persons, and societal discrimination against sexual minorities.

The government generally took adequate steps to prosecute officials who committed abuses, although concerns existed regarding impunity in corruption matters.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed arbitrary or unlawful killings in their official capacity.

b. Disappearance.—There were no reports of politically motivated disappearances, abductions, or kidnappings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that government officials employed them. Independent local organizations continued to express concerns about police behavior, and there were reports that police continued to abuse persons in custody. In the first nine months of the year, the Internal Security Bureau of the state police received 184 complaints of alleged police violence. Of these complaints, 131 cases were not substantiated, 12 criminal procedures were initiated, 33 cases were closed, and eight cases remained under investigation at year's end.

During the year the ombudsman's office received six complaints regarding mistreatment by police and seven about mistreatment by prison officials.

Prison and Detention Center Conditions.—Conditions in some of the country's 12 prisons and detention centers remained poor, and most did not meet international standards. The government acknowledged these problems and took some steps during the year to remedy them. The government permitted monitoring visits by the ombudsman and other independent human rights observers, and such visits occurred. During the year the government adopted alternative sentencing measures (including reduced sentences and rehabilitation programs) for nonviolent offenders.

Prison authorities opened 13 investigations into cases of violent deaths of prison inmates. In five of these cases investigators found that the victims committed suicide. Investigations in the other eight cases continued at year's end.

On March 28, an inmate committed suicide while in solitary confinement at the state police regional detention facility in Riga. An investigation into criminal negligence by police officers who detained the man continued at year's end.

During the year the ombudsman's office received 164 complaints and the state police seven complaints about poor conditions in prisons and other detention facilities, compared with 67 complaints to the ombudsman's office in 2010. Complaints included inadequate privacy in living spaces and bathrooms, severely dilapidated physical plants, lack of heat, inadequate sanitary facilities and places to sit, lack of hot water, insufficient work and educational opportunities, and inadequate access to open space and fresh air. Prisoners generally had access to potable water. Health care services for inmates, which are managed by the Prison Administration, were

not adequate. During the year the ombudsman delivered several memoranda to the Ministry of Justice and the Prison Administration noting that inmates' living conditions in various detention facilities did not meet international standards and charging that the government did not implement the ombudsman's recommendations. Nongovernmental organizations (NGOs) argued the ombudsman's office was not aggressive enough in this area.

On July 19, the Council of Europe's Committee for the Prevention of Torture (CPT) published the report of a follow-up visit to the country in 2009. In the Jekabpils Prison, where the delegation had found serious problems in 2007, the CPT found improvements. However, the delegation did receive some allegations of continued physical mistreatment of prisoners by prison officers, including kicks, blows with truncheons, and other rough treatment mainly of prisoners held in Unit 3. The delegation also heard allegations of violence between prisoners at Jekabpils Prison. The admission cell, which held incoming prisoners usually for their first four days at the prison, also had limited access to natural light and ventilation. At Daugavgrivas Prison the delegation found the same improper conditions in the cells.

Observers expressed concern that corruption and a lack of professionalism in the Prison Administration contributed to problems in prisons and detention centers. The Ministry of Justice temporarily halted two projects begun in 2010 to improve management at state prisons, citing concerns over mismanagement. There were also allegations of mismanagement of the tender for renovation of the Cesis Juvenile Detention Center. Based on these and other concerns, the Ministry of Justice initiated disciplinary proceedings against Visvaldis Pukite, chief of the Prison Administration. The ministry concluded in November that Pukite was negligent in supervising various projects, reduced his salary by 20 percent for six months, and ordered him to address underlying accounting and management problems. It also imposed disciplinary fines on seven other Prison Administration officials.

At the end of the year the Ministry of Justice reported that 6,558 persons were held in the prison system, which had a total capacity of 7,970 persons. Of these, 2,033 were detainees awaiting trial or the outcome of their appeals, and 4,525 were convicted inmates. Detainees and convicted inmates occasionally were incarcerated together. Male prisoners were held in 10 prisons throughout the country.

The prison population included 63 juvenile males. Most of these prisoners were held at a separate juvenile facility in Cesis that was equipped with a school funded by the state. The capacity of the Cesis facility was 174. NGOs reported that a few juvenile males were held during the year in a separate area (not in the general population) at the Riga Central Prison, where they had access to state-funded education. At the end of the year 13 juveniles were held in regular adult detention facilities. Although the Ministry of Justice stated such cases were temporary and rare, the ombudsman's office expressed concern that during pretrial detention some juveniles were held for long periods at these facilities, where they were isolated and had no access to education.

The prison population included 416 women held in a separate women's prison with a capacity of 385. The country's three juvenile female prisoners were held in a separate wing of the women's prison. The ombudsman's office and NGOs considered the physical conditions and management at the women's prison to be better than at other facilities and generally adequate. Nevertheless, inmate complaints about the strict management style of the new director of the women's prison led the Prison Administration to transfer the director to a different post.

In general prisoners had reasonable access to visitors. The Prison Administration allowed prisoners and detainees to observe religious practices with some limitations, including security-related restrictions on religious articles kept in cells and dorm rooms. In March the Constitutional Court ruled in favor of a challenge against these restrictions by a group of prisoners, noting inconsistency between facilities in the application of these restrictions. The court ordered the government to revise these restrictions to reflect clear criteria related to safety and to ensure consistent application. At the end of the year the Ministry of Justice continued to work on revising these restrictions.

Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship. Authorities generally investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. The ombudsman's office monitored conditions at prisons and detention facilities. Ministry of Justice and other government officials investigated and monitored prison and detention center conditions. Some NGOs, however, criticized the requirement that all prisoner complaints be submitted in the Latvian language.

Although NGOs acknowledged that the government made some improvements in conditions in prisons and other detention facilities, they agreed that the worst condi-

tions remained unremedied. During the year the government allocated three million lats ($6 million) over three years to address specific prisoner complaints (e.g., broken windows and plumbing fixtures) at existing prison facilities. In June the government directed the Justice Ministry and the Health Ministry to ensure that inmates had access to Latvia's state-funded medical system.

During the year the Ministry of Interior opened a new detention facility for undocumented aliens and asylum seekers in Daugavpils, replacing the seriously deficient Olaine facility. NGOs reported that the new Daugavpils facility met international standards.

During the year the Prison Administration completed work on the Cesis Juvenile Detention Facility, including a new building for pretrial detainees and renovation of the existing building for sentenced inmates. Although this project remedied problems with the physical conditions, observers continued to express concerns about the facility. The Children's Rights Protection Agency, a government institution reporting to the Ministry of Welfare, highlighted numerous problems, including physical and emotional abuse by officials and an atmosphere that encouraged violence among inmates. In response, the Prison Administration transferred the director to another facility.

During the year the government began construction of a separate facility within the Olaine Prison for prisoners with special needs, including alcohol and drug addiction.

The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups. The CPT visited prisons and detention facilities in September. As of year's end, the CPT had not publicly released a report on its visit.

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

Role of the Police and Security Apparatus.—The state police, security police, and state border guards are subordinate to the Ministry of Interior. Municipal police are under local government control. Military forces, the Military Counterintelligence Service, the Protective Service, and the National Guard are subordinate to the Ministry of Defense. The state police and municipal police forces shared responsibility for maintaining public order, but only the state police were authorized to carry out criminal investigations. The security police were responsible for combating terrorism and other internal threats. The military and the National Guard primarily were responsible for external security.

Civilian authorities maintained effective control over security forces, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—The law requires that persons be arrested openly, with warrants issued by an authorized judicial official, except in exceptional cases specifically defined by law (e.g., apprehension in the act, eyewitness identification of suspect, or flight risk). The law requires the prosecutor's office to charge or release an individual under arrest within 48 hours, and authorities generally respected these requirements in practice. Detainees were promptly informed of charges against them. Although there is a bail system, it was used infrequently and applied most often in cases of economic crimes.

The government provided attorneys for indigent defendants. Detainees have the right to have an attorney present during questioning, and usually but not always were informed of that right. Investigators sometimes conducted unscheduled interrogations of detainees, or "talks," without legal counsel. The ombudsman continued to criticize these "talks."

Authorities permitted detainees prompt access to family members.

Pretrial Detention.—The law limits pretrial detention to no more than 15 months from the first filing of the case (with the possibility of extending the time to a maximum of 21 months) for the most serious crimes and less for minor offenses. NGOs continued to express concern about the length of pretrial detentions in practice.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice; however, there were significant problems, including inefficiency.

Trial Procedures.—The constitution and law provide for the right to a fair, public trial, and most judges enforced this right; however, the fairness of individual court decisions, of judges, and of the judicial system in general remained a concern. At year's end the ombudsman's office reported that it opened 63 investigations into complaints about the fairness of trials and courts.

The ombudsman and NGOs expressed concern that long judicial delays effectively prevented access to the justice system in some cases. The problem was especially acute in the administrative courts, where even trivial matters could take up to two years for an initial hearing, but significant backlogs existed in the civil and criminal courts as well. The government took some steps during the year to address the problem, including allowing some cases to be decided on written pleadings, introducing a "small claims" system, and passing legislation allowing specialized "land book" judges to hear some general civil cases.

Defendants enjoy a presumption of innocence. Trials are generally public, but some may be closed to protect government secrets or the interests of minors. A single trial judge hears most cases. Defendants have the right to consult with an attorney in a timely manner, at government expense if they are indigent. Defendants have the right to be present at their trials. In closed trials defendants are subject to criminal sanction if they reveal any details of the case outside the courtroom. Defendants have the right to read charges, confront and question witnesses against them, call witnesses, and offer evidence to support their cases. Defendants and their attorneys have access to government-held evidence relevant to their cases and may appeal to the highest levels in the judicial system.

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

Regional Human Rights Court Decisions.—During the year the European Court of Human Rights (ECHR) issued 12 decisions in cases involving Latvia, finding a violation of the European Convention on Human Rights in10 of those cases. In general the country promptly complied with judgments of the ECHR.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Judgments on human rights matters can be appealed to the ECHR. The government generally upheld the law concerning civil procedures and generally enforced civil court orders.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. However, observers expressed concern over the independence and transparency of the news media.

Freedom of Speech.—The law criminalizes incitement to racial or ethnic hatred and spreading false information about the financial system.

Freedom of Press.—The independent media were active and expressed a wide variety of views usually without restriction.

Violence and Harassment.—In February, Ilze Nagla, a journalist whose home was searched in 2010 pursuant to an extraordinary warrant in connection with her coverage of a high-profile criminal investigation, brought a case in the European Court of Human Rights, alleging that the search violated her rights. The ECHR accepted her case for review, and it was pending at the end of the year..

Censorship or Content Restrictions.—The country has one state-owned television station, Latvian Television (LTV), and one state-owned radio station, Latvian Radio. During the year the representative of the Organization for Security and Cooperation in Europe (OSCE) on freedom of the media, NGOs, and other media outlets expressed concern over the independence of LTV, pressure on journalists by politically appointed LTV board members, lack of transparency in LTV's salary structure, and the LTV leadership's susceptibility to political influence. In August and September, four respected LTV investigative journalists were fired or otherwise left LTV.

Privately owned television and radio outlets also operated in the country. The law requires 65 percent of all broadcast airtime in national and regional electronic media to be in Latvian or dubbed or subtitled in Latvian. While Latvian is the sole official state language, approximately one-third of the country's population (largely ethnic Russians, Belarusians, and Ukrainians) spoke Russian as their first language. Many television stations in the country employed Latvian subtitles or voiceover when broadcasting programs originally produced in another language. Despite the new law, extensive Russian-language programming remained available during the year.

In December state police arrested and detained for two days journalist Leonids Jakobsons for publishing allegedly "private" e mails between Riga Mayor Nils

Usakovs and a foreign diplomat. It was not clear how Jakobsons obtained the e mails. The Latvian Journalists' Association and other NGOs criticized Jakobsons' arrest as an improper restriction on freedom of the press. The case remained pending at the end of the year.

Actions to Expand Press Freedom.—In September parliament passed a measure requiring media companies to disclose the identities of their actual owners.

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and authorities may not prohibit public gatherings except in very limited cases related to public safety. Organizers of demonstrations must provide 10-days' advance notice to local authorities, who may prohibit the event or change the time and place to prevent public disorder.

During the year numerous demonstrations took place peacefully and in most cases without government interference. Police did not interfere with peaceful assemblies and offered demonstrators appropriate levels of protection. However, some observers continued to criticize the legal requirement to give 10-days' advance notification of a planned protest.

In March, Riga city officials initially denied the request of a group seeking to hold its annual event in remembrance of Latvian soldiers who fought in German Waffen SS units during World War II. A local court overturned the city's decision, and approximately 700 persons participated in the March 16 event. Opposition groups counterdemonstrated, but police kept the two groups apart, and the demonstration was largely peaceful. The media widely reported on an incident in which a counterdemonstrator spat on an elderly participant in the march, but no arrests were made. At the Latvian-Estonian border, security police stopped seven ethnic-Russian Estonians who allegedly intended to participate in the counterdemonstration on suspicion they would cause disturbances.

In June the Riga city government denied a group the right to demonstrate to mark the July 1 anniversary of the German army's entry into Riga in 1941. A court overturned the city's decision, finding that the marchers were not inciting violence or advocating Nazism, and citing the sanctity of the right to assemble. The city complied with the court's order and allowed the event, which proceeded without incident.

Freedom of Association.—The constitution and law provide for freedom of association, but prohibit the registration of Communist, Nazi, or other organizations whose activities could contravene the constitution, for example, by advocating the violent overthrow of the government. The government respected these rights in practice.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, including with respect to its "noncitizen resident" population. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In general this system was active, accessible, and subject to due process. Reports continued, however, that authorities sometimes turned away persons attempting to enter the country at border checkpoints without establishing whether they might be refugees or asylum seekers. The government disputed these claims. NGOs also expressed concern about the government's policy of accepting asylum applications only at land borders, and not at the Riga International Airport. The Latvian Center for Human Rights, the primary provider of legal services for asylum seekers, expressed concern that, because of the distance of the new detention facility from the capital, asylum applicants and refugees did not always have prompt access to legal representation.

Safe Country of Origin/Transit.—Latvia generally does not adjudicate asylum cases based on the applicant's country of origin or country of transit. However, as

an EU member state bound by the Dublin II Regulation, Latvia may return to the country of first entry into the EU asylum-seekers who arrive from other EU member states, except in cases involving family reunification or other humanitarian considerations. There were no credible complaints that Latvia ignored exceptional cases or routinely returned asylum seekers to countries with poorly developed asylum systems.

Nonrefoulement.—NGOs reported one case in which an Uzbek asylum seeker whose application was denied was beaten by Uzbek authorities upon his return to Uzbekistan.

Access to Basic Services/Employment.—There were no reports of discrimination against refugees (in comparison to other aliens) in connection with access to public services or employment.

Temporary Protection.—The law provides temporary protection for individuals who may not qualify as refugees. The provision was not invoked during the year.

Stateless Persons.—Citizenship is derived from one's parents. The children of "noncitizen residents" may be naturalized upon application by either parent.

According to UNHCR data, there were 326,906 stateless persons at the end of 2010, the vast majority of whom the government considered "noncitizen residents." According to 2011 census data published by the Central Statistics Bureau, 290,660 "noncitizen residents" and 177 stateless persons lived in the country at the end of the year. Most of the "noncitizen residents" were persons of Slavic origin who either moved to the country during the Soviet occupation or are descended from those who did. The government did not give them automatic citizenship when the country regained sovereignty in 1991. "Noncitizen residents" have permanent residency status, consular protection abroad, the right to return to the country, full rights to employment except for some government jobs and private sector positions deemed related to national security, and the right to all government social benefits. However, they may not vote in local or national elections and may not organize a political party without the participation of an equal number of citizens.

Although the UNHCR considered most of these "noncitizen residents" to be "stateless," the government did not, because most were eligible to naturalize under the country's law. The government recognized as stateless only those individuals who did not have a claim to foreign citizenship and were not eligible to apply for naturalization in the country.

The UNHCR noted that "noncitizen residents" have, under the country's laws, a transitional legal status that entitles them to rights and obligations beyond the minimum rights prescribed by the 1954 Convention relating to the Status of Stateless Persons. The UNHCR further noted that these rights are identical to those attached to the possession of nationality, with the exception of certain limited civil and political rights.

The law provides naturalization procedures for granting citizenship to the noncitizen population. These procedures include a test of Latvian language skills and knowledge of the constitution and history of the country. Applicants may take the test three times on a single application; after failing the test three times, an applicant must reapply in order to take the test again, but can do so an unlimited number of times. The government offered the test at various locations throughout the country. During the year the government regularly sponsored "information days" to assist in preparing for the test.

Most "noncitizen residents" had not applied for citizenship even though they were legally eligible for it. They frequently cited as reasons the perceived "unfairness" of the requirements, resentment at having to apply at all, and the lack of perceived benefits. "Noncitizen residents" accounted for approximately 14 percent of the population. During the year 2,771 persons applied for naturalization; 2,467 applications were approved, and 128 applications were "denied" for failing the test three times. In 2010, 3,182 persons applied, 2,336 were approved, and 150 applications were "denied." Some observers expressed concern that the passage rate in the naturalization test has fallen in recent years. However, latest statistics from the Latvian Citizenship and Migration Affairs Board indicate passage rates improved from approximately 73 percent in 2010 to approximately 89 percent in 2011.

In October the government approved a new policy for "integration and national identity" that sought a modest reduction in the percentage of "noncitizen residents" in the population by emphasizing Latvian language and national identity. NGOs and noncitizen advocacy groups criticized the policy as "ethnocentric."

The ombudsman, NGOs, and the Council of Europe's Committee for the Prevention of Racism and Intolerance continued to urge the government to reform Latvia's naturalization system, including granting automatic citizenship for children born to "noncitizen residents" (unless the parents object), relaxing testing requirements, al-

lowing "noncitizen residents" to participate in local elections, and reducing the list of professions in which noncitizens may not participate.

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

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

Elections and Political Participation.—Recent Elections.—On July 23, 95 percent of the participating electorate voted to dissolve parliament. As a result, on September 17, the country held free and fair extraordinary elections for parliament. Observers from the OSCE found that the elections were professionally run with minimal violations and offered voters a genuine choice. However, observers noted that voter education materials were only available in Latvian, potentially disadvantaging voters with low Latvian proficiency.

Political Parties.—Citizens can organize political parties without restriction, but the law prohibits the country's "noncitizen residents" from organizing political parties without the participation of an equal number of citizens in the party. The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after 1991 or who worked for such institutions as the former Soviet Committee for State Security (KGB) from holding elected office or certain other government positions related to security.

Participation of Women and Minorities.—Following the September 17 national elections, there were 23 women in the 100-member parliament, and four women in the 14-member Cabinet of Ministers. Four of seven judges on the Constitutional Court and 23 of the 44 justices of the Supreme Court were women.

Approximately 16 percent of the country's adult population (36 percent of the non-Latvian minority population) were noncitizens. They did not participate in the elections process and were left without representation in the government. Members of minorities who were citizens, including ethnic Russians and Poles, served in various elected bodies. The mayor of Riga, the country's largest city, is a member of the ethnic Russian minority. The Harmony Center Party, which lists many ethnic Russians in its ranks, won the most seats in parliament in the September elections.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices. There was a widespread perception that corruption existed at all levels of government. The World Bank's World Governance Indicators indicated that corruption was a problem in the country.

The Corruption Prevention and Combating Bureau (KNAB) is primarily responsible for fighting corruption. However, internal struggles and the perception of bias in referring cases to prosecutors hampered the KNAB's effectiveness during much of the year. NGOs and other observers expressed concerns that the KNAB's director, Normunds Vilnitis, participated in a political attempt to hobble the agency. In March, Vilnitis suspended and later dismissed his deputy, Alvis Vilks, allegedly over personality conflicts. Also in March the KNAB's other deputy, Juta Strike, who was generally considered honest and competent, left the country in response to alleged death threats. In June parliament dismissed Vilnitis based on the findings of a special investigative committee that he had committed numerous legal and procedural violations during his tenure. In November parliament appointed Jaroslavs Strelcenoks as the new director of the KNAB.

In May, while Vilnitis was on a vacation, the KNAB launched a major investigation into alleged corrupt practices by high-profile politicians and business leaders, including members of parliament, the mayor of the city of Ventspils, and the chief executive officer of Latvia's national airline, airBaltic. The KNAB searched the homes and businesses of some of these individuals. However, parliament invoked its immunity to block the KNAB's execution of a search warrant at the office of opposition member of parliament Ainars Slesers of the For a Good Latvia Party. The investigation continued as of year's end. These events, and the perception of corruption connected with them, led the president to call for, and the electorate to approve, early parliamentary elections, as discussed above.

On August 4, the KNAB warned that corruption risks remained high within the Latvian government on both the administrative level (e.g., bribery of civil servants) and the political level (e.g., abuse of office). The KNAB's report raised special concern about irregularities in public procurement processes. During the year the KNAB initiated 20 criminal investigations against government and law enforcement

officials, and other legal institutions initiated 169 such investigations. The KNAB also forwarded to the prosecutor's office 23 criminal cases involving 52 individuals.

Public officials are required to file income declarations annually, and irregularities in the declarations were investigated.

A regulation of the Cabinet of Ministers provides for public access to government information, and the government generally provided citizens such access in practice. There were no reports that noncitizens or the foreign media were denied access.

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

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

Government Human Rights Bodies.—The ombudsman's office has the responsibility to monitor the government's performance on human rights problems. The office received some cooperation from the government and operated without direct government or party interference. However, at a time of across-the-board government budgetary cuts, the ombudsman's office complained that inadequate funding prevented it from accomplishing its mandate and interfered with its independence. NGOs sharply criticized the ombudsman's office for being reactive rather than proactive, advocating only a narrow range of rights, and suffering from serious internal conflicts and institutional weakness. As required by law, the office published an annual public report detailing its activities and recommendations.

The parliament has a standing committee on "Human Rights and Public Welfare," which met weekly to consider initiatives relating to human rights.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; the government generally enforced these prohibitions effectively.

Women.—Rape and Domestic Violence.—The law specifically criminalizes rape but does not recognize spousal rape as a distinct crime. Criminal penalties range from probation to life imprisonment, depending on the nature of the crime, the age of the victim, the criminal history of the offender, and the dependency of the victim on the offender. During the year there were 72 criminal processes initiated on rape charges, compared with 93 initiated criminal cases in 2010. NGOs complained that authorities were ineffective or inadequately enforced rape laws. NGOs observed that rapes were underreported due to a tendency of police to blame victims.

The law makes domestic violence an aggravating factor in certain criminal offenses. The law also provides penalties for causing even "minor" bodily harm, where the victim and perpetrator are spouses or former spouses. NGOs and police agreed, however, that domestic violence was a significant problem, and the law was not effectively enforced. Victims often were uninformed about their rights and reluctant to seek redress through the justice system. The women's advocacy NGO Marta Center noted that no system was in place for women to receive legal protection as soon as they arrived at a hospital for treatment after violence. Most abused women went first to a hospital and only afterward turned to the police.

During the first nine months of the year, the Marta Center provided support and assistance for 145 domestic violence victims (62 new complaints of domestic violence were received), compared with 208 domestic violence victims (154 new) in 2010. The Marta Center provided legal assistance in 122 of those cases (51 new cases) in the first nine months of the year.

There were no shelters designed specifically for battered or abused women. While women who experienced violence could seek help in family crisis centers, these centers had limited capacity and gave priority to women with children. There were no dedicated rape or assault hotlines, but NGOs managed four general crisis hotlines. The Marta Center operated Web sites that provided information and legal assistance for female victims of violence.

Sexual Harassment.—Sexual harassment is illegal but reportedly common in the workplace. However, the ombudsman's office received no complaints regarding sexual harassment during the year, in part because of the procedures required to register incidents. The ombudsman's office, located in Riga, was the only designated location to file complaints. In addition, cultural factors discouraged women from filing sexual harassment complaints.

Sex Tourism.—Riga continued to be a destination for adult sex tourism.

Reproductive Rights.—The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their

children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on access to contraceptives. The government provided free childbirth services. Men and women had equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination.—Women enjoy the same rights as men, including rights under family and property laws, and in the judicial system. Although the law prohibits employment discrimination, in practice women frequently faced hiring and pay discrimination, particularly in the private sector. The Marta Center noted that there had been cases of discrimination based on gender when applying for work.

The law prohibits work and wage discrimination based on gender and requires employers to set equal pay for equal work; however, government regulatory agencies did not implement the law effectively. According to the country's Central Statistics Bureau, in the first quarter of the year the average female worker earned 17 percent less than a male worker.

Children.—Birth Registration.—Citizenship is derived from one's parents. Children of "noncitizen" parents born in the country are registered immediately and are eligible to apply for citizenship.

Child Abuse.—An NGO working with abused children, the Dardedze Center, stated that the number of reported instances of child abuse, including sexual abuse, increased in the past several years. According to a study published in October, one in three children in the country between the ages of 14 and 18 had suffered sexual violence, 14 percent of those within the past year. The center attributed this increase largely to better reporting due to increased awareness of the problem. Laws against child abuse were enforced effectively, although the center observed that coordination among agencies involved in the protection of children's rights was weak. Children from families that were unable to care for them had access to government-funded boarding schools that provided adequate living conditions; however, these schools had lower educational standards than regular state schools.

Sexual Exploitation of Children.—Statutory rape and child pornography are illegal. The minimum age for consensual sex is 16 years. Statutory rape is punishable by four years' imprisonment, or six years if the victims are particularly young. The state police can initiate proceedings against a sexual abuser without an application from a victim who is a minor. Purchase, display, reproduction, or distribution of child pornography is punishable by up to three years in prison. Involving a minor in the production of pornography is punishable by up to 12 years in prison, depending on the age of the child.

A special police unit in Riga worked to prevent sexual abuse of minors and eradicate child sex tourism through aggressive prosecution of pedophiles and other child abusers. The unit also publicized the potential dangers posed to minors through Internet chat rooms and worked closely with local social networking sites to identify potential Internet predator cases.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community numbers approximately 10,000. There were continued reports of anti-Semitic incidents during the year, including several cases of vandalism and a serious case of public anti-Semitic statements, but no reports of anti-Semitic attacks against individuals. Anti-Semitic sentiments persisted in some segments of society.

On a television talk program on the same day as the March 16 Waffen SS event (see section 2.b.), Uldis Freimanis, a neo-Nazi, made malicious anti-Semitic comments advocating violence against Jews. The local Jewish community filed a criminal complaint, alleging a violation of the law against inciting racial or ethnic hatred and violence, and the security police opened an investigation. On August 1, the security police closed the criminal investigation, stating that "the facts of the case did not constitute a criminal offense." The Anti-Defamation League also lodged a complaint with the government over the incident.

Cemetery desecration and monument vandalism continued to be a problem. On June 28, a Jewish cemetery in Valdemarpils was desecrated with swastikas. On May 17, vandalism was committed in Riga's Second Forest Cemetery at the grave of Zanis Lipke, a protector of Latvian Jews in World War II; Foreign Minister Kristovskis publicly condemned the act.

On May 8, two persons from the Russian-speaking community painted Nazi symbols and anti-Semitic statements in the Latvian language on a memorial to Jewish Holocaust victims. Police promptly arrested the perpetrators. The perpetrators con-

fessed, claiming they intended to cast suspicion on Latvian nationalist parties. On September 7, the defendants pled guilty, and a court sentenced them to 50 hours of community service.

In January police arrested three persons in the December 2010 case involving the vandalism of 89 headstones in the New Jewish Cemetery of Riga. The alleged perpetrators, teenage members of the Russian-speaking community, possessed neo-Nazi materials published by Russian skinhead groups. Charges were pending as of the end of the year.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to healthcare, or the provision of other state services, and the government generally enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible. The law grants additional assistance to children with disabilities, allowing them and their chaperones to use public transportation free of charge. The law also allows families of children who have been diagnosed with a disability to receive state-funded counseling.

National/Racial/Ethnic Minorities.—No physical attacks against minorities were reported. However, NGOs representing minority groups claimed that official statistics underreported the actual number of incidents.

During the year the security police reviewed 34 applications or complaints connected to possible incitement of ethnic or racial hatred. Of these, authorities initiated criminal procedures in 12 cases. These complaints generally involved hate speech on the Internet. During the year the ombudsman's office received seven written complaints of racial or ethnic discrimination, compared with two in 2010.

In December a defendant pled guilty to a charge of inciting ethnic hatred in connection with derogatory Internet comments about Russian-speakers. Sentencing was pending at the end of the year.

In June security police charged an Internet portal commentator for hate speech and making derogatory comments online about Latvians, Poles, and Jews. The defendant pled guilty and was given a 10-month suspended sentence.

The Romani community, estimated to number approximately 8,000, historically has faced widespread societal discrimination and high levels of unemployment and illiteracy. The government had a national action plan to address problems affecting the Romani community with respect to employment, education, and human rights; however, observers criticized the plan for lacking adequate funding to improve conditions for Roma substantially.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—While there were no official reports of violence based on sexual orientation or gender identity, lesbian, gay, bisexual, and transgender persons' (LGBT) organizations complained of widespread intolerance and underreporting of attacks to authorities.

The ombudsman's office received no reports of discrimination based on sexual orientation during the year. In 2010 the ombudsman's office received two such reports. LGBT advocates maintained that the community nevertheless faced widespread societal discrimination. A study published during the year suggested that negative social attitudes toward the LGBT community and discrimination on the basis of sexual orientation remain widespread.

LGBT representatives reported that the ombudsman expressed reluctance to assist members of the LGBT community in securing their rights, including with respect to a civil partnership law.

During the year Mozaika, an NGO promoting LGBT rights, received three complaints of hate crimes based on sexual orientation. In one incident police took a gay man into custody, confiscated his cell phone, and publicly read his intimate text messages. The victim did not file a formal complaint because of fear of disclosure of his identity. Mozaika also reported that an LGBT Internet site was hacked, and personal data of users was made public.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law entitles all workers, except uniformed members of the military, to form and join independent unions and recognizes the right to strike, subject to limitations related to public safety. Labor regulations prohibit strikes by essential personnel including judges, prosecutors, police, fire fighters, border guards, employees of state security

institutions, prison guards, and military personnel. The law provides arbitration mechanisms that essential personnel may use in lieu of striking. The law provides for collective bargaining. The law also prohibits antiunion discrimination and employers' interference in union functions, and provides reinstatement as a remedy for an employee's unlawful dismissal, including dismissal for union activity. The law prohibits "solidarity" strikes by workers who are not directly involved in the specific labor agreement between strikers and their employers, a restriction criticized by local labor groups.

The government generally protected these rights, and workers exercised them in practice. Labor rights' organizations expressed concerns about employer discrimination based on union membership during the year. The International Trade Union Confederation (ITUC) also noted that, while Latvian law protects "basic labor rights," the minimum number of workers required to form a union was higher than in many other European countries. However, the Free Trade Union Confederation of Latvia (FTUCL), a local labor organization, stated it knew of no cases in which this restriction limited the right to form a union in practice. The ITUC criticized the country's rules allowing a strike to be suspended pending an employer's legal challenge of the legality of a strike.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and the government generally enforced such laws effectively. The State Labor Inspectorate (SLI), the agency responsible for enforcing labor laws, conducted regular inspections of workplaces during the year and reported no incidents of forced labor. There were, however, some cases of Latvians being trafficked and forced into prostitution or other compulsory labor abroad. Also see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits those under the age of 18 from nighttime or overtime work. The statutory minimum age for employment is 15, although children who are 13 years of age or older may work in certain jobs outside school hours with written permission from a parent.

Inspectors from the SLI are responsible for enforcing child labor laws and did so effectively. The SLI's resources were adequate. During the year the SLI inspected work places for violations and conducted information campaigns on labor rights, including for youth audiences. During the year there were no reports of labor abuses involving children.

d. Acceptable Conditions of Work.—The legally mandated monthly minimum wage was 200 lats ($400). By comparison, the Latvian Central Statistical Bureau's "minimum subsistence consumer basket" price index for November was 172.05 lats ($344.10).

The law provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly. The maximum permitted overtime is 144 hours in a four-month period. Employees are also not allowed to work more than 24 hours consecutively, 56 hours in a week, or overtime on more than six consecutive days. The law requires a minimum of 100-percent premium pay in compensation for overtime, unless other forms of compensation are agreed to in a contract. The law establishes minimum occupational health and safety standards for the workplace. Workers have the legal right to remove themselves from situations that endanger health or safety without endangering their continued employment. The law entitles workers to 28 calendar days of paid annual holidays.

The State Revenue Service is responsible for enforcing minimum wage regulations. The SLI was responsible for enforcing working time and occupational health and safety standards. Most labor standards were respected for both citizens and noncitizen workers; however, authorities did not actively enforce workers' right to remove themselves from situations that endanger health or safety. During the year the SLI reported 31 workplace fatalities and 157 serious workplace injuries.

LIECHTENSTEIN

EXECUTIVE SUMMARY

The Principality of Liechtenstein is a multiparty constitutional monarchy with a parliamentary government. The unicameral Landtag (parliament) nominates, and the monarch appoints, the members of the government. A two-party coalition government was formed following free and fair parliamentary elections in 2009. Security forces reported to civilian authorities.

There were no reports of widespread or systemic human rights abuses.

The country's main human rights problems consisted of isolated instances of violence against women, including spousal abuse, and child abuse and societal discrimination against minorities.

The government took steps to prosecute officials who committed abuses.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards. In 2010 there were 76 persons serving time in prison or detention for a total of 4,081 days. Five were women, and two were under the age of 18. Thirty illegal immigrants were detained due to a violation of the provisions of the law on foreigners, and 36 persons were in prison for offenses under the criminal code. According to a provision in the 1982 bilateral treaty between Austria and Liechtenstein, Austria incarcerates Liechtensteiner prisoners with sentences over two years' imprisonment. Fifteen individuals from the country were incarcerated in Austria. Austrian detention officials provided regular reports on the prisoners to Liechtensteiner authorities. The country's only prison had a total capacity of 20 beds. The maximum capacity was not reached during the year, and up to four beds remained unassigned for emergency purposes. The detention facility was designed primarily as a short-term prison, and it was not possible to separate different categories of prisoners. Women prisoners had their own section.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. According to law, they could submit complaints to the prince, the government, parliament, and judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. No such allegations were submitted during the year. There was no ombudsman who served on behalf of prisoners and detainees.

No deaths occurred in the detention center during the year.

The government permitted visits by independent human rights observers and appointed the Corrections Commission as an independent body to monitor prison conditions. The specialized commission, which also served as the designated national preventive mechanism under the Optional Protocol to the U.N. Convention against Torture, organized at least one unannounced visit to the country's prison each quarter. During these visits the commission collected documentation, interviewed staff members, and spoke privately with prisoners. The country also permitted visits by the Council of Europe's Committee for the Prevention of Torture.

The Corrections Commission made five unannounced visits in 2010 and four during the year. It released a report with recommendations for the government on February 15. The commission maintained that in 2010 overall conditions in the detention center were good but recommended transferring oversight of prison operations from the chief of police to the Ministry of Justice; counseling for prison staff; and the provision of female guards for female inmates. Juveniles were usually accommodated in the women's ward. Potable water was available to all prisoners. Alternative forms of punishment existed, including monetary penalties and charitable work for certain cases (especially for juvenile criminals).

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the regular and auxiliary police, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—Police arrest a suspect based on an arrest warrant issued by the national court. Within 48 hours of arrest, police must bring suspects before an examining magistrate who must either file formal charges or order the suspect's release, and authorities respected this right in practice. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspect is a danger to society or would not appear for trial. The law grants suspects the right to legal counsel of their own choosing during pretrial detention, and counsel was provided at government expense to indigent persons. According to the criminal procedure code, every detainee must be informed at the time of detention or immediately thereafter of the reasons for the detention. The detainee also must be advised of his or her right to contact legal

counsel and a relative. During investigative detention, visits may be monitored to prevent tampering with evidence.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent. A single judge hears trials involving minor offenses. While most trials were public, in 2010 approximately 30 percent of trials were closed proceedings. A panel of judges hears more serious or complex cases, and the most serious cases, including murder, go before a public jury. The law grants defendants the right to legal counsel of their own choosing; counsel is provided at government expense for indigent persons. Defendants may challenge witnesses or evidence and present witnesses or evidence on their own behalf. They have access to government-held evidence relevant to their cases. Those convicted have the right to appeal, ultimately to the Supreme Court.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters and access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Citizens may appeal cases involving possible violations of the European Convention on Human Rights by the state to the European Court of Human Rights.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. However, the law prohibits public insult directed against a race, people, or ethnic group, with a possible prison sentence of up to two years. During the year no such charges were filed. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

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

c. Freedom of Religion.—See the Department's International Religious Freedom Report at www.state.gov/j/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The laws provide for the granting of asylum or refugee status, and the government has a system for providing protection to refugees.

Safe Country of Origin/Transit.—According to the law, persons entering the country from another safe country are not eligible for asylum.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugee Abuse.—In May 2010 a U.N. Committee against Torture (CAT) report noted that Liechtenstein authorities did not allow asylum seekers under expulsion orders sufficient time to request an appeal hearing. Under previously existing law,

such individuals had only 24-hours to request a hearing before the Administrative Court, which according to CAT, was too short a period to ensure access to the asylum procedures in Switzerland or Austria, countries having readmission agreements with Liechtenstein. Based on CAT recommendations, the county's constitutional court proposed an expanded time span. The law was adopted by the Principality's parliament in its session of December 15, resulting in the effective extension of the hearing period from 24 hours to five days. In practice the period of time asylum seekers had to request a hearing had already been expanded to five days earlier, with the extended period applied to a number of cases during the year.

During the year Liechtenstein sent 13 asylum seekers to Switzerland, compared with 18 in 2010. Asylum seekers were not sent to countries with poorly functioning asylum systems.

Temporary Protection.—The government has a system for providing temporary protection to individuals who may not qualify as refugees. Three individuals from one family were granted such temporary protection during the year.

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

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

As a hereditary monarchy, the country's line of succession is restricted to male descendents of the Liechtenstein dynasty. Prince Hans Adam II is the head of state. In 2004 Hereditary Prince Alois assumed the duties of head of state, exercising the rights of office on behalf of the reigning prince. All legislation enacted by the parliament must have the concurrence of the monarch and the prime minister.

Elections and Political Participation.—Recent Elections.—In 2009 the country held free and fair parliamentary elections.

Participation of Women and Minorities.—There were six women in the 25-member parliament and two women in the five-seat cabinet. There were no known members of minorities in the government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government effectively implemented these laws. There were no reports of government corruption during the year.

The law prohibits public officials from requesting or accepting gifts or benefits in connection with their duties and places restrictions on public officials engaging in private commercial activities. The police and the prosecutor's office, respectively, are responsible for investigating and prosecuting official corruption. The police employ an organizationally independent special investigative unit for corruption cases. An interdepartmental working group chaired by the Ministry of Foreign Affairs coordinated measures to prevent and fight corruption.

Public officials are not subject to comprehensive financial disclosure laws.

The law requires the government to inform the public of its activities, and government information was freely available to all persons living in the country, including domestic and foreign media.

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

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

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

The law prohibits discrimination based on race, gender, disability, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group. The government effectively enforced these prohibitions.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. Spousal rape has the same penalties as rape under other circumstances. Sentences for spousal rape may be reduced if the victim decides to remain with the abusive spouse.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. However, there were reports of violence against women, including spousal abuse. According to police records, 14 women were the victims of domestic violence.

Sixteen women and 10 children received counseling and refuge at the Frauenhaus, a women's shelter. Government centers provided single-stop financial, administrative, legal, and psychological assistance to victims of domestic violence.

Sexual Harassment.—Stalking is a criminal offense. Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Employers are required to take reasonable measures to prevent sexual harassment; failure to do so may result in compensation for victims up to 40,000 Swiss francs (approximately $41,840). There were three recorded complaints of sexual harassment during the year.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Contraceptives and medical services are readily available. There were no reports of barriers limiting access to maternal health services. Women and men had equal access to diagnosis and treatment for sexually transmitted diseases, including HIV.

Discrimination.—Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equal Opportunity Office and the Commission on Equality between Women and Men worked to eliminate all forms of gender discrimination. However, societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. On average women earned 20 percent less than men for equal work. The labor contract law and the equal opportunity law contain provisions to combat gender discrimination in the workplace.

On September 16, the government hosted a conference on equal opportunities commemorating the 25th anniversary of the country's Commission for Equality between Women and Men.

Children.—Birth Registration.—Citizenship is derived from one's parents at birth. Citizenship may be derived from a single parent. Any child born in the country may acquire citizenship after five years. Children are registered at birth.

Child Abuse.—There were eight cases of child abuse during the year, compared with five cases in 2010. Authorities charged and prosecuted perpetrators in four of the five 2010 cases during the year; there was one conviction. Possession of child pornographic material is a criminal offense. Police registered five cases of pornography involving minors in 2010. According to the law, penalties for statutory rape are between one and 10 years' imprisonment. The law sets the minimum age for consensual sex at 14 years.

The government supported programs to protect the rights of children and made financial contributions to three nongovernmental organizations that monitored children's rights. The Office for Social Services oversaw the implementation of government-supported programs for children and youth.

International Child Abduction.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The small Jewish community does not have an organizational structure. Approximately 30 individuals belonged to the Jewish community in 2010. There were no reports of anti-Semitic acts against persons or property.

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

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or the provision of other state services or other areas.

The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications, and disabled persons readily had access. The law mandates that all public kindergartens and schools, as well as public transportation systems, must be accessible to persons with disabilities by 2012. During the year 296 buildings were "barrier-free," an increase of 46 over the past five years. The law requires recently constructed public buildings to be barrier-free by 2027 and older public buildings by 2019.

National/Racial/Ethnic Minorities.—Police estimated that violent right-wing extremists, including skinheads, numbered no more than 30 to 40 persons. The government continued to monitor right-wing groups. Foreign nationals, mostly Swiss, Austrian, German, and Italian, represented 33 percent of the resident population. Ethnic Turks accounted for 6.5 percent of the foreign population. Although no serious incidents were cited during the year, police reported six racially motivated offenses involving right-wing extremists in 2010. Two cases were prosecuted, resulting in one conviction.

In 2010 the government initiated an awareness campaign against right-wing extremism and established a working group against such extremism. The working group initiative was ongoing at yearend, but the awareness campaign ended in 2010.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—During the year there were no formal complaints issued by the country's gay community, nor were there any gay pride marches scheduled. On March 16, the government implemented a registered partnership law aimed at eliminating legal discrimination against same-sex couples; 70 percent of the voting public voted in favor of the initiative on June 19.

The Office of Equal Opportunity launched campaigns and organized numerous events with NGOs to raise awareness of lesbian, gay, bisexual, and transgender (LGBT) issues.

Other Societal Violence or Discrimination.—There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides that all workers, including foreigners, are free to form and join independent unions of their choice and select their own union representatives. The law allows unions to conduct their activities without government interference. There are no provisions in the constitution or in labor laws explicitly banning the right to strike, nor does the law prohibit antiunion discrimination.

Strikes by civil servants are permitted; however no strikes occurred during the year. Likewise, there were no reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; there were no reported violations.

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and the government effectively enforced these laws. The law prohibits the employment of children younger than 16; exceptions may be made for the limited employment of children who are 14 and older and for those who leave school after completing nine years of compulsory education. Children who are 14 and older may be employed in light duties for not more than nine hours per week during the school year and 15 hours per week at other times.

The law prohibits labor that subjects children to physical, psychological, moral, or sexual abuse. There were no reported cases.

The government devoted adequate resources and oversight to child labor policies, and the Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law.

d. Acceptable Conditions of Work.—There is no national minimum wage. The Liechtenstein Workers Association negotiates minimum wages annually with the Chamber of Commerce and the Chamber for Economic Affairs. The government estimated the poverty income level at approximately 28,000 Swiss francs ($29,300) per year, which equals 2,300 Swiss francs ($2,400) monthly, for a household (two adults and two children) and around 1,100 Swiss francs ($1,153) per month for a single person.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for other workers. The law provides for a daily mandatory one-hour break and an 11-hour rest period for full-time workers; with few exceptions, Sunday work is not allowed. Pay for overtime is required to be at least 25 percent higher than the standard rate, and overtime is generally restricted to two hours per day. The average workweek, including overtime, may not exceed 48 hours over a period of four consecutive months. Thousands of workers commuted from neighboring countries daily and were covered by the same standards.

The law sets occupational health and safety standards, and the Department for Worker Safety generally enforced these provisions effectively. Data on workplace accidents and fatalities for the 2010-2011 period was not available.

LITHUANIA

EXECUTIVE SUMMARY

The Republic of Lithuania is a constitutional, multiparty, parliamentary democracy. Legislative authority resides in the unicameral parliament (Seimas). Presidential elections in 2009 were considered free and fair. Parliamentary elections in 2008, also free and fair, led to the formation of a center-right coalition government. Security forces reported to civilian authorities.

The country's most significant human rights problems were poor prison conditions, intolerance of sexual and ethnic minorities, and lengthy detention of persons awaiting trial.

Additional problems included interference with the privacy of persons, domestic violence, child abuse, libel and antidiscrimination laws that limited freedom of expression, and trafficking in persons.

The government took measures to prosecute or otherwise punish officials who committed abuses, whether in the security services or elsewhere. There were some reports of impunity among personnel in the prison system.

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

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

According to the National Courts Administration, during the year five cases involving alleged war crimes or crimes against humanity reached courts and 15 new investigations were started.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits inhuman or degrading treatment or punishment, but there were reports that police physically mistreated detainees.

During the year the Human Rights Ombudsman's Office received two complaints that officials used force or psychological pressure to obtain evidence in investigations. The office found one of them to be groundless, while the other was terminated because the applicant withdrew his complaint.

In May the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on the 2010 visit of a CPT delegation. The report stated that the delegation received some assertions, including by juveniles, that law enforcement officials mistreated them. Most allegations of mistreatment involved excessive use of force at the time of apprehension or slaps, kicks, punches, or truncheon blows during questioning. A majority of persons interviewed, however, indicated that they had been treated properly. Some detainees complained that officers in police detention centers employed insulting language or behavior.

Prison and Detention Center Conditions.—Prison and detention center conditions did not meet international standards. Some prisons were overcrowded, and the CPT criticized the absence of safeguards to prevent prisoner abuse.

As of December 31, according to the Prisons Department, the country's prisons held 9,920 inmates, including 421 women and 130 juveniles. This number was approximately equal to total official capacity. Nevertheless, the distribution of the prison population was such that six institutions were overcrowded, including Siauliai Remand Prison, which had a capacity of 452 inmates but held 708. The capacity of detention facilities was 878. According to the Police Department, detention facilities were not over capacity during the year.

In its May report, the CPT noted a lack of progress by the government in improving the treatment of juvenile offenders, particularly in the Kaunas Juvenile Detention Center and Prison, which earlier CPT delegations had declared to be "unacceptable." According to the report, the CPT observed "clear progress" regarding the material conditions of detention, including enlargement of cells." Despite the physical improvements, the delegation reported little progress in some areas, including in the legal and procedural safeguards against abuse of inmates by prison personnel. For example, in one of the police detention centers visited by the CPT, the delegation encountered a juvenile who alleged that he had been raped three times shortly before the visit and that the custodial staff had refused his request to change cells. An investigation was underway, but the CPT delegation expressed "misgivings" that it was not conducted by an authority independent of the prison system.

The CPT report noted major shortcomings, including overcrowding, in the Klaipeda and Vilnius city police detention centers.

During the year the parliamentary ombudsman received 94 complaints from inmates about prison conditions, compared with 123 in 2010. Most complaints in-

volved the failure of administrators to give proper attention to prisoners' grievances regarding such problems as poor hygiene in visiting rooms and other premises, poor food quality, overcrowding, and inadequate operation of prison shops. The ombudsman's investigators found 35 of these complaints to be justified.

Prisoners had access to potable water. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. There was no ombudsman specifically dedicated to prison matters, but prisoners could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. Authorities generally investigated such allegations and documented the results in a publicly accessible manner. No problems with recordkeeping were reported.

The Parliamentary Ombudsman's Office served prisoners by investigating their complaints and attempting to resolve them, usually by making recommendations to detention institutions. The ombudsman's office reported that institutions were responsive to all of their interventions.

During the year the government allocated more than one million litas ($376, 000) to the renovation of prison facilities. The May CPT report indicated that "significant investments were made in the Kaunas facility for juveniles" and that all the renovation and reconstruction work announced by the government authorities in its response to the 2008 CPT visit had been completed.

The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. Representatives of the Parliamentary Ombudsman's Office made 14 visits to prisons to observe conditions and hear prisoners' complaints. Media representatives also visited prisons. The government permitted monitoring in accordance with their standard modalities by independent nongovernmental observers (e.g., human rights groups, the International Committee of the Red Cross, as well as international bodies such as the CPT). On May 17, a delegation from the Middle Europe Corrections Roundtable visited Vilnius House of Correction. On September 22-23, participants from the annual conference of European Society of Criminology visited Lukiskes Prison in Vilnius.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, but there were complaints of illegally prolonged pretrial detention.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the State Security Department, police, and military forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—Warrants are generally required for arrests and judges may issue them only upon the presentation of reliable evidence of criminal activity. Police may detain suspects for as long as 48 hours before charging them.

Detainees have the right to be informed of the charges against them, and there were no complaints of failure to comply with this requirement. Bail was available and widely used. Detainees had prompt access to family members. The law provides the right to an attorney from the moment of detention and, if the detainee is indigent, to one provided at state expense; this right was not always respected. The law entitles a detained person to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice.

Pretrial Detention.—The pretrial judge may order a suspect's detention for a maximum of three months if the suspect is accused of a felony, but only to prevent the accused of fleeing or committing new crimes, facilitate an unhindered investigation, or comply with extradition requests. As of July 1, the average length of pretrial detention was seven months and 13 days. In many cases the law permits detention to be extended to 18 months (12 months for juveniles), subject to appeal to a higher court. Such extensions, often based on the alleged danger the defendant would pose to society or the possibility that he or she would influence witnesses, were frequent. Approximately 10 percent of the incarcerated population consisted of pretrial detainees.

The law provides for civil liability for damage caused by the unlawful actions of investigating officials, prosecutors, judges, and courts, but no information was available on the frequency with which officials were sued on these grounds.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government respected this provision in practice.

Trial Procedures.—Defendants enjoy the presumption of innocence. The law provides for public trials; juries are not used. While defendants have the right to be

present, the law permits trials in absentia when a defendant is outside the country. The law establishes the right to legal counsel for defendants from the time of their arrest. It provides for free legal counsel for indigent persons. During the year the human rights ombudsman received seven complaints that authorities failed to provide such counsel but found all of them to be groundless. Defendants have the right to access government evidence, present evidence and witnesses, and confront and question witnesses against them. Defendants have the right to appeal.

Local human rights experts criticized the practice of trying persons in absentia, which, they contended, denied defendants the opportunity to cross-examine witnesses or present evidence in their own defense.

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

Regional Human Rights Court Decisions.—During the year the European Court of Human Rights (ECHR) heard 15 cases involving Lithuania and found that nine violated the European Convention on Human Rights. On a number of occasions, the government did not pay damages awarded by the ECHR within the period stipulated in the court's final judgments.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Plaintiffs may sue for legal or injunctive relief based on human rights violations. Apart from redress within the court system, victims of human rights abuses may appeal to the parliamentary ombudsman for a determination regarding the merits of their claims. Once avenues for appeal in the domestic court system have been exhausted, individuals could file complaints with the ECHR for alleged violations of the European Convention on Human rights by the state. Although the ombudsman may only make recommendations to the offending institution, his findings were generally honored in practice.

Property Restitution.—The law places significant restrictions on claims for the restitution of communal property. On June 21, the parliament passed legislation to compensate for the seizure of Jewish communal property during the Holocaust. The sum of 128 million litas ($48 million) was scheduled to be disbursed over 10 years to a foundation managed by the Jewish Community of Lithuania, the country's main religious community, and other institutions promoting Jewish religion, health care, culture, and education.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits arbitrary interference in an individual's personal correspondence or private and family life, but there were reports that the government did not respect these prohibitions in practice. The law requires authorities to obtain a judge's authorization before searching an individual's premises and prohibits the indiscriminate monitoring by government or other parties of citizens' correspondence or communications. However, domestic human rights groups alleged that the government did not properly enforce the law. During the year the State Data Protection Inspectorate investigated 256 allegations of arbitrary interference with privacy by government officials and companies, compared with 270 allegations in 2010. Most complaints involved individuals' assertions that government agencies and companies violated data safety requirements by collecting or using their personal data, such as their personal identity numbers, without a legal basis or justification. During the year the inspectorate conducted 43 preventive, as opposed to complaint-driven, investigations of enterprises and government agencies for possible violations, compared with 80 such audits in 2010.

On September 28, the Constitutional Court ruled that the parliament's 2008 adoption, by resolution, of a Conceptual Framework for National Family Policy, violated the constitution. According to human rights groups, the resolution, which defines "family" and related terms in such a way as to limit them to married heterosexual couples and their children, failed to observe the requirement, stemming from the constitution to regulate legal family relations by means of law, "rather than a lower-level legal act" such as a resolution. Human rights groups criticized the framework for its narrow definition of family, which they alleged would challenge the legal status of unmarried couples with children, single-parent families, and homosexual families and could deny legal protection to children born out of wedlock.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech.—Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism.

The constitutional definition of freedom of expression does not protect such "criminal acts" as incitement to national, racial, religious, or social hatred, violence and discrimination, and slander and disinformation.

The penal code criminalizes denial or "gross trivialization" of international crimes, of Soviet or Nazi German crimes against Lithuania or its citizens, or trivializing genocide, crimes against humanity, or war crimes. During the year an investigation continued into statements by Algirdas Paleckis, the leader of the Frontas Party, who stated publicly in December 2010 that the 14 civilians who were killed by Soviet military units during the events of January 13, 1991, represented a case of "Lithuanians shooting Lithuanians." (Paleckis is not a member of parliament and thus not protected by parliamentary immunity). Member of parliament Kestutis Masiulis called on prosecutors to investigate the statement as a "derogation of the memory of those killed" and "insulting all supporters of Lithuanian freedom." The prosecution maintained that the 1991 Soviet action against Lithuania and its citizens constituted a war crime and consequently violated the penal code. Paleckis maintained that the prosecution was a violation of his freedom of speech. The court decision was pending at the end of the year.

It is a crime to incite hatred against persons or groups. According to the Ministry of Interior, during the year authorities initiated 332 cases involving allegations of incitement to hatred and discrimination, most of them over the Internet, and sent 98 to the courts for trial. The courts decided 96 of these. A number of investigations and court cases from prior years continued. Most allegations of incitement of hatred involved homophobic, racist, or anti-Semitic expression.

Freedom of Press.—While the independent media were active and expressed a wide variety of views, they were subject to the same laws that criminalize speech that grossly trivializes international and war crimes and prohibit "hate speech." Radio and television broadcasters included a mix of independent and public stations. International media generally operated without restriction..

Censorship or Content Restrictions.—Although it continued to attract criticism from international human rights groups, the 2010 law prohibiting material "detrimental" to minors' "bodies or thought processes, information promoting the sexual abuse and harassment of minors or promoting sexual relations by minors or sexual relations in general" was not invoked during the year, and there were no reports that it adversely affected freedom of the media.

Libel Laws/National Security.—It is a crime to disseminate information that is both untrue and damaging to an individual's honor and dignity. Libel is punishable by a fine or imprisonment of up to one year, or up to two years for libelous material that is disseminated through the mass media. Journalist Gintaras Visockas was sued for libel for commentating on a presidential candidate's background and implying a connection to the secret service. He was found guilty and fined. Visockas appealed to the ECHR.

Internet Freedom.—There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could generally engage in the expression of views via the Internet, including by e-mail. Authorities prosecuted persons posting material they considered to be inciting hatred.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law and constitution provide for the right to assemble peacefully, and the government generally respected this right in practice.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice; however, the government continued to ban the Communist Party and other organizations associated with the Soviet period.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, returning refugees, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit.—Authorities did not permit asylum seekers coming from "safe" countries of transit to enter the country; they returned them to the country of transit without reviewing the substantive merits of their applications. According to the Migration Department, authorities did not have a list of safe countries but defined such countries as ones in which the person's life or liberty would not be threatened on account of membership in one of the categories specified in the 1951 refugee convention and associated instruments and from which the individual would not be sent to another country in contravention of his rights under these agreements.

Nonrefoulement.—The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Temporary Protection.—There were two additional forms of protection in addition to asylum. "Temporary protection" may be granted to groups of persons in the event of a mass influx of aliens, but an individual alien has no right to apply for this protection. No grants of temporary protection were issued in the first eight months of the year. The government may also afford "subsidiary protection" to individuals who do not qualify as refugees but who cannot return to their countries of origin because of fear of torture or because violence, military conflict, or systematic violations of human rights in that country would endanger their basic rights or fundamental freedoms. During the year the government granted subsidiary protection to 86 persons.

Stateless Persons.—Citizenship can be acquired either by birth in the country's territory or from one's parents.

According to the UNHCR, there were approximately 3,674 stateless persons in the country in 2010, a decline from 5,900 in 2008. The decline was mainly related to high emigration rates driven by the economic crisis and increased unemployment—the number granted citizenship annually was low: 240 in 2008, 106 in 2009, and 78 in 2010. According to the director of the Migration Department, virtually all the persons classified as stateless were residents of the country at the time of the dissolution of the Soviet Union but did not take advantage of their right to qualify for citizenship.

Naturalization requires residence in the country for at least 10 years, an unlimited residence permit, a knowledge of the Lithuanian language and the basic provisions of the constitution, an oath of allegiance, and the ability to defray one's living costs.

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

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

Elections and Political Participation.—Recent Elections.—The May 2009 presidential elections and 2008 parliamentary elections were considered free and fair.

Political Parties.—The government continued to ban the Communist Party; other political parties could operate without restriction or outside interference. Citizens could run for municipal councils without being on party lists.

Participation of Women and Minorities.—Both the president and the speaker of the parliament were women. At year's end there were 26 women in the 141-seat parliament and two women in the 15-member cabinet of ministers. Women accounted for 5 percent of mayors, 21 percent of municipal council members, and 5 percent of local administration directors. Three members of ethnic minorities served in parliament.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but authorities often did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption remained a problem, as indicated in Transparency International's 2011 assessment.

A number of active and former government officials were investigated, tried, convicted, or sentenced for corruption during the year. As of September 1, the trial continued of Alytus mayor Ceslovas Daugela, arrested in October 2010 for corruption. The mayor, who had interests in construction businesses, was charged with illegal

dealings in the reconstruction of the city stadium, document falsification, and embezzlement of more than 500,000 litas ($188,000). The trial continued at year's end.

The law provides for public access to government information, and government institutions generally provided access in practice. During the year the parliamentary ombudsman received 106 complaints of delays by government offices in providing information and found 68 of them to be valid. The ombudsman recommended disciplinary action against the officials involved. Although the ombudsman's recommendations were not binding, the Parliamentary Ombudsman's Office reported that authorities took disciplinary action in 10 cases.

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

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

Government Human Rights Bodies.—The Office of the Equal Opportunities Ombudsman is an independent public institution with responsibility for implementing and enforcing rights under the Law of Equal Treatment and for investigating individual complaints. A Children's Rights Ombudsman Institution oversees observance of children's rights and their legal interests and may initiate investigations of a possible violation of children's rights, either upon receipt of a complaint or on its own initiative. A parliamentary ombudsman investigates complaints about abuse of office or other violations of human rights and freedoms in the sphere of public administration. The ombudsmen institutions received government funding but maintained that their funds were inadequate. In 2010 the ombudsman for children's rights resigned after receiving criticism for ineffective work related to a widely discussed and unsolved case of suspected pedophilia.

The human rights committee of the parliament prepares and reviews draft laws and other legal acts related to civil rights and presents recommendations to state institutions and other organizations about problems related to the protection of civil rights. It also has oversight of the Office of the Parliamentary Ombudsman.

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

The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and efforts at enforcement, discrimination against women and ethnic and sexual minorities persisted.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape. Convicted rapists generally received three-to-five-year prison sentences. During the year 191 rapes were reported, compared with 208 in 2010.

Societal violence against women remained a serious problem. Penalties for all types of violence depend on the level of injury in each case. Penalties for murder range from eight years to life in prison. There are no specific penalties for domestic violence. During the first half of the year, police received 25,673 telephone calls reporting domestic violence and started 471 investigations; approximately 20 women were killed during the year as a result of domestic violence.

On December 15, the first domestic violence law went into effect, providing a legal basis for rapid governmental reaction to instances of domestic violence as well as for preventive measures and assistance to victims. The new law permits police and other enforcement officials, with court approval, to require perpetrators to live apart from their victims, avoid all contact with them, and surrender any weapons they may possess. From the entry into effect of the law until the end of the year, police registered approximately 3,000 domestic violence calls and started 935 investigations. According to police approximately 80 percent of reported domestic violence cases involved alcohol.

Municipal governments and nongovernmental organizations (NGOs) funded and operated 39 shelters that provided assistance to victims of domestic violence. The government fully funded two shelters. One of them, the Shelter for Children and Mothers in Vilnius, provided assistance to more than 100 victims of domestic violence, forced prostitution, and human trafficking during the year.

Sexual Harassment.—The law prohibits sexual harassment, but women remained reluctant to approach police or other institutions when it occurred because of the reluctance of police to act and because of the fear, guilt, and shame associated with going public. The equal opportunities ombudsman received no complaints of sexual harassment during the year. According to the Equal Opportunities Ombudsman's Office, approximately 20 percent of women had experienced sexual harassment during their lifetimes.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Public Health. There were no restrictions on access to contraceptives. The government provided free childbirth services. Women had access to regular prenatal care, essential obstetric care, and postpartum care. The maternal mortality rate was low.

Discrimination.—Men and women have the same legal rights in the judicial system, including in family and property law. Women nevertheless continued to face discrimination. Government policy requires equal pay for equal work, but women often earned less than their male counterparts. According to the Department of Statistics, the EU gender pay gap (an indicator used in the EU to monitor the inequality in pay between men and women) in 2010 was 14.6 percent, down from 15.3 percent in 2009. Women were significantly underrepresented at the managerial level. The Office of the Equal Opportunities Ombudsman is the governmental institution that promotes the legal rights of women and men.

Children.—Birth Registration.—Citizenship can be acquired either by birth in the country or from one's parents. The government registers all births immediately.

Child Abuse.—Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. According to the Department of Statistics, in 2009 approximately 24,200 children lived in 11,100 abusive or dysfunctional families. Media sources reported that incidents of cruelty to children, including sexual abuse, intentional starvation, and beatings, were common. According to the Ministry of Interior, seven deaths from child abuse were reported during the year. The children's rights ombudsman reported approximately 290 complaints during the year, compared with 315 in 2010 and 407 in 2009. The ombudsman's office initiated 43 investigations of alleged abuse during the year, compared with 79 in 2010 and 297 in 2009.

The penalty for violence or cruelty toward minors is one to two years in prison. Authorities may also remove abused children from their families and place them in foster care. Despite efforts to combat child abuse and aid abused children, the ombudsman reported that authorities provided ineffective assistance. During the year Child Line (a hotline for children and youth) received 139,204 calls and 1,553 letters from children concerning problems ranging from relations with their parents and friends to violence in their families and sexual abuse.

Sexual Exploitation of Children.—The law provides for up to 13 years in prison for sexual abuse of a child, but this type of abuse remained a problem. During the year the Interior Ministry registered 104 cases of child sexual abuse (excluding child rape), compared with 93 cases in 2010. The government operated a children's rehabilitation center to provide special care for sexually abused children.

Laws against child pornography were enforced. Anyone involving a child in pornographic events or using a child in the production of pornographic material can be imprisoned for up to five years. According to the Ministry of Interior, seven criminal cases of child pornography were opened during the year. In the first nine months of the year, the children's rights ombudsman received six complaints of sexual exploitation of children. No information was available about convictions during the year.

Displaced Children.—Street children were widely scattered among the country's cities. Most were runaways or from dysfunctional families. There were a number of free, government-sponsored programs to assist them. Sixty children's rights protection agencies administered by regional governments, other institutions, and numerous NGOs routinely assisted vulnerable children.

There were 102 orphanages and 47 foster homes. Orphanages housed the vast majority of orphans and other children in need of care. In the first nine months of the year, the children's rights ombudsman received 31 complaints of possible violations of children's rights in orphanages and foster homes.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community consists of approximately 4,000 persons. Anti-Semitism was manifest, especially on the Internet, and acts of vandalism were reported throughout the year.

On April 11, the Ninth Fort in Kaunas, the site of systematic mass killings of Jews during the Holocaust, was desecrated with 13 swastikas.

On April 20, Adolf Hitler's birthday, a banner with anti-Semitic slogans, including "Hitler was right" and "Juden Raus" (Jews Out), was found near a synagogue in Kaunas. On the same day in Vilnius, three Nazi-era German flags were found on a hill near the center of the city and another on the outskirts. Police initiated an

investigation into the incident as a violation of public order. On April 25, the Ministry of Foreign Affairs and the speaker of the parliament condemned the incidents.

On June 2, a wooden dummy with the Lithuanian words used to convey the sounds of a pig written on its face was discovered outside the Tolerance Center of the Vilna Gaon State Jewish Museum in Vilnius.

On July 10, an anti-Semitic attack was reported at the Paneriai Memorial, a tribute to Holocaust victims, mainly Jews. The memorial was vandalized with red paint and anti-Semitic phrases such as "Hitler was right."

On July 16, in the town of Plunge, a memorial wall was dedicated to the 2,200 Jews of that town massacred by the Nazis in 1941. A number of Lithuanian dignitaries participated in the ceremony as did family members from around the world of Jews killed at Plunge. The monument, built with bricks from the former Plunge synagogue, was vandalized before the dedication ceremony.

On November 2, the memorial plaque of the historic Snipiskes Jewish cemetery was vandalized with red paint.

The government declared 2011 to be the Year of Remembrance for the Victims of the Holocaust in Lithuania. It sponsored several projects during the year, including events on September 23 commemorating the National Memorial Day for the Genocide of the Lithuanian Jews. In September President Grybauskaite awarded Life Saving Crosses to 55 Lithuanians who saved Jews during the Holocaust. Throughout the year the government and civil society worked together to promote Holocaust education in schools and preserve Vilnius' Jewish cemetery. The government finished preservation of part of the ancient Jewish Snipiskes cemetery and in June rededicated it.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at: www.state.gov/j/tip.

Persons With Disabilities.—The Law on Equal Treatment prohibits discrimination against persons with disabilities, although it does not specify what kind of disabilities and there was no proactive enforcement. During the year the equal opportunities ombudsman investigated 11 cases of alleged discrimination based on disability. The law mandates accessibility of buildings for persons with disabilities. According to 2009 data from the Department of Statistics, 38 percent of housing was accessible to persons with disabilities.

Individuals involuntarily declared incapacitated have no right to appeal the decision in court.

The mental health system was widely regarded as inadequate. Although in 2007 the government approved a National Strategy for Mental Health, this area remained among the least reformed areas in the health sector.

The Ministry of Social Security and Labor and the Council for the Affairs of the Disabled are the two primary governmental organizations responsible for developing equal opportunities in the labor market and improving government effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities. The Ministry of Health is responsible for making health services equally accessible to all inhabitants of the country.

National/Racial/Ethnic Minorities.—The law prohibits discrimination against ethnic or national minorities, but intolerance and societal discrimination persisted. Minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaite Jews, constituted approximately 16.5 percent of the population.

During the year the Ministry of Interior reported 332 cases of alleged discrimination and incitement of racial or ethnic hatred (most of the instances investigated involved the Internet), compared with 159 in 2010.

There were reports of racially motivated violence during the year. The country's national day, February 16, continued to be an occasion for racist and xenophobic manifestations. In Kaunas youth wearing jackets and paraphernalia similar to those worn by skinheads attacked and beat a Pakistani national.

On March 11, the 20th anniversary of the reestablishment of Lithuania after Soviet rule, approximately 1,000 people participated in a march in downtown Vilnius. The event included some racist and xenophobic slogans, and the primary organizer was a nationalist movement widely criticized for its association with skinheads and neo-Nazis. Some marchers displayed slogans proclaiming "Lithuania for Lithuanians" and "Thank God I was born white." Senior leaders denounced the demonstration; some criticized the continuing willingness of the Vilnius city administration to provide permits for this annual event.

The small Romani community (approximately 3,000 persons) continued to experience problems, including discrimination in access to such services as education, housing, and health care; in employment; and in relations with police. However, there were no official charges of police abuse. Extreme poverty, illiteracy, perceived

high criminality, and the negative attitudes of mainstream society kept this group locked in social exclusion, reflected in the fact that 40 percent of Roma did not know the national language. Many Roma did not have identification papers; a number of them, although born in the country, were stateless. The Romani unemployment rate continued to be more than 95 percent. Minority advocates continued to criticize the Vilnius city government for focusing on law enforcement in the Romani community but doing little to integrate Roma into the broader community.

On September 23, the Supreme Administrative Court, in response to a lawsuit brought by the Vilnius community of Roma, ordered the Vilnius Municipality to pay nonmaterial damages of 55,000 litas ($21,000) in compensation for the destruction of Roma housing in 2004. By year's end the Vilnius Municipality had paid only a small portion of the award.

On March 17, parliament adopted amendments to the Law on Education that for the first time set minimum requirements for hours and subjects to be taught in the schools. When fully implemented the revised law calls for all students to take the same high school graduate exam in the Lithuanian language and with standardized scoring. Representatives of the country's Polish minority were critical of the new provisions of the law and the manner in which they were implemented because they said it would reduce the emphasis in schools on Polish language and culture. Lithuanian politicians asserted that comparable requirements exist for ethnic Lithuanians in Poland and that the new rules do not violate EU norms or standards.

Some members of the Polish ethnic minority community also argued that laws which do not allow Polish letters to be written in passports and on street signs violate their minority rights. On July 11, following numerous legal challenges by the Polish community, the Supreme Administrative Court upheld the previously existing law requiring that street signs be displayed in Lithuanian only. The European Court of Justice on May 12 also found Lithuania's law requiring personal names to be written in the state language in passports to be constitutional.

The Polish ethnic community further complained of a lack of progress on restitution and compensation for lands owned by Poles before the Soviet and Nazi occupations. The National Land Service stated that it makes no distinction between ethnic communities and does not discriminate against the Polish minority. According to National Land Service data, 96 percent of outstanding claims in Salcininkai, which holds the largest Polish minority population, were settled. In the other center with a large Polish minority population, Vilnius city and region, 32 percent of outstanding claims in the city and 87 percent in the region were completed. This compared with 19 percent (city) and 85 percent (region) in 2010.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—While there was no official discrimination against lesbian, gay, bisexual or transgender (LGBT) persons, society's attitude towards homosexuality remained largely negative. NGOs focusing on LGBT problems faced no legal impediments, but the few that functioned kept a low profile because of public hostility to their aims. The Lithuanian Gay League continued to promote an inclusive social environment for LGBT persons.

Other Societal Violence or Discrimination.—The NGO community reported that people with HIV/AIDS were often discriminated against and treated with fear and loathing. For instance, in the case of a woman in Klaipeda who was diagnosed with HIV, the doctor publicly announced the diagnosis at the hospital where she was tested without her permission.

During the year the equal opportunity ombudsman investigated 25 cases of age discrimination. Most concerned discrimination in obtaining employment, insurance, loans, or leases.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers, including members of the police and armed forces, to form and join independent unions of their choice without previous authorization or excessive requirements. The law provides for the right to strike, except for government employees involved in law enforcement or other security-related activities. The law protects collective bargaining for all workers with the same exceptions. The law prohibits employer discrimination against union organizers and members.

In practice workers exercised the right to form unions. Although most workers had the legal right to strike, labor code procedures made it difficult for some to exercise this right. The law previously left the right to strike primarily in the hands of unions or union strike committees. Following complaints that such provisions deprived nonunion employees of the ability to call a legal strike, the law was amended to permit half of the employees of a unit or enterprise, voting by secret ballot, to call a strike. Collective bargaining was practiced. A tripartite council consisting of

representatives of labor, business, and government estimated that between 5 and 25 percent of workers were covered under collective bargaining agreements.

The prohibition against antiunion discrimination was often ineffective in practice, and there were reports that employers punished employees for attempting to organize unions. According to the International Trade Union Confederation, the judicial system was slow to respond to cases of unfair dismissal, and no employer has ever faced the penal sanctions for antiunion discrimination envisaged in the law. There are no labor courts or judges who specialize in labor disputes. Some large retail stores hired short-term contract labor and sometimes did not renew the contracts of union members.

Managers often determined wages without regard to union preferences except in large factories with well-organized unions. The government periodically issued guidelines for use by state enterprise managements in setting wage scales.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, but such labor existed. Observers noted indications of trafficking young children for forced labor, mostly shoplifting.

See also the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits exploitation of children in the workplace, and the government generally enforced these prohibitions effectively. Statistics from 2009 indicated that 8 percent of children working did so illegally, mostly in the agricultural sector, where children sometimes received unlawfully low compensation.

The law sets the minimum employment age at 16 but allows the employment of persons as young as 14 for light labor with the written consent of the child's parents and school. The law mandates reduced work hours for children, allowing up to two hours per day or 12 hours per week during the school year and up to seven hours per day or 32 hours per week when school is not in session. Persons under the age of 18 are subject to additional restrictions, including a prohibition on night work.

The State Labor Inspectorate is responsible for receiving complaints related to employment of persons under 18. During the year the inspectorate identified 26 cases of illegal child labor, mainly in the agriculture and catering sectors. Schools administered specific programs tied to labor safety.

d. Acceptable Conditions of Work.—The legal minimum wage was 800 litas ($300) per month. According to the National Statistics Department, the official "poverty risk level" in 2010 was 701 litas ($263) per month. The law provides that the maximum time worked in any seven-day period, including overtime, may not exceed 40 hours for white-collar work and 48 hours for blue-collar work. Overtime is allowed only in cases stipulated by law, and both overtime and night work must be compensated by at least one-and-a-half times the hourly wage. The labor laws apply to both local and foreign workers.

The State Labor Inspectorate, which is responsible for implementing labor laws, had a staff of 160 labor inspectors. During the year the inspectorate reported conducting nearly 12,300 company inspections. The most numerous abuses it found related to wage arrears, illegal employment, violation of labor contracts, faulty accounting for time off and hours worked, inadequate worker safety, and unsatisfactory investigation of accidents. Training provided by the State Labor Inspectorate helped reduce the scope of some of these abuses during the year. Workers dissatisfied with the result of an investigation could appeal to the court system.

The law gives workers the right to safe and healthy working conditions, and this provision was generally enforced. During the year the State Labor Inspection Service recorded 52 fatal accidents at work and 125 severe work-related injuries, compared with 49 and 126, respectively, in 2010. These occurred mostly in construction, transport, processing, and agriculture sectors. To address the problem, the State Labor Inspectorate increased the qualification requirements for labor inspectors, engaged in more rigorous screening and training for inspectors, and organized a series of seminars on technical labor inspection.

LUXEMBOURG

EXECUTIVE SUMMARY

The Grand Duchy of Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. Legislative authority is vested in the unicameral Chamber of Deputies (parliament). The prime minister is the leader of the dominant party in the popularly elected parliament. In 2009 the country held parliamentary

elections that were considered free and fair. Security forces reported to civilian authorities.

Government delays in adjudication of asylum claims and failure to provide adequate housing for asylum seekers were notable problems that arose from the near doubling of asylum requests during the year.

Other human rights problems reported during the year included cases of domestic violence against women and allegations of human trafficking, primarily of women for sexual exploitation.

The government remained prepared to prosecute any officials in the security services and elsewhere in the government who committed abuses.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them. However, the Council of Europe's Committee for the Prevention of Torture (CPT) criticized the local police practice of interrogating suspects considered dangerous or aggressive in a caged room with floor-to-ceiling bars.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted monitoring visits by independent human rights observers. However, authorities did not equip cells reserved for the intoxicated at local police stations with mattresses due to hygienic considerations.

In August 2010 the government opened a new detention center near Luxembourg City for asylum seekers whose applications had been rejected, thereby relieving overcrowding in Schrassig, the country's sole prison. Nongovernmental organizations (NGOs) and a parliamentary delegation inspected the new center and raised no fundamental objections to conditions there. The government transferred to the new center all refused asylum seekers, reducing the population of Schrassig Prison (with a maximum capacity of 598) to 558 detainees. As of November there were 582 prisoners nationwide, consisting of 537 men, 38 women, and 7 juveniles. In 2011 there was one death in Schrassig Prison, that of a detainee who committed suicide.

Detainees had access to potable water. Alternative sentencing methods for offenders included community service and electronic monitoring devices. Prisoners had access to an ombudsman and were provided opportunities for religious observation, as well as at least five hours of access by visitors per month. Prison conditions for women were comparable to those for men.

In response to a CPT report released in October 2010, the government introduced an hour of outdoor exercise each day for detainees held at the State Socio-Educational Center at Dreiborn.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the Grand Ducal Police, the judiciary police, and other law enforcement services, and the government had adequate mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—Warrants issued by a duly authorized official are required for arrests in most cases. Within 24 hours of arrest, police must inform detainees of charges against them and bring them before a judge for a determination of the detention's legality. There is a functioning bail system, which judges regularly employed.

Under the law, detainees are supposed to be given immediate access to an attorney, whose services are provided at government expense for indigent detainees. However, in its October 2010 report, the CPT expressed concern that almost no detainees they interviewed had access to an attorney until their first appearance before an investigating judge, even when they had requested such access earlier. The CPT also noted that detainees were denied the right to meet confidentially with their attorney even after their appearance before the investigating judge. The government subsequently passed legislation providing financial assistance for detainees who could not afford an attorney. Meanwhile the Luxembourg bar association introduced a permanent duty roster of lawyers for detainees requesting an attorney prior to police questioning. The bar association distributed updated duty lists to the police on a regular basis during the year. Detainees were allowed prompt access to family members.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants have the right to a presumption of innocence. Trials are public except for those involving sexual or child abuse. There are no jury trials. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants may confront witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right of appeal.

A legal basis exists for the establishment of religious and military courts under special circumstances, but no such action has occurred in more than 60 years.

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

Regional Human Rights Court Decisions.—The country is party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). The government complied with court orders to pay compensation in cases it lost.

Civil Judicial Procedures and Remedies.—The magistrate courts serve as an independent and impartial judiciary in civil and commercial matters and are available to individuals who wish to bring lawsuits seeking damages for, or cessation of, a human rights violation. Citizens may appeal cases involving alleged violations of the European Convention on Human Rights by the state to the ECHR after they had exhausted all routes for appeal in the country's court system.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction.

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

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

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the government respected this right.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

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

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Due to a large increase in requests for asylum, the government temporarily closed its asylum office from October 4 to 9 and accepted no new requests for international protection so that it could focus on improving procedures for processing growing numbers of asylum applications. The doubling of asylum applications led to a housing shortage for asylum seekers, forcing authorities to secure additional housing, which had reached capacity. To ease the shortage, authorities installed tents at local campsites to provide approximately 200 adult male asylum seekers with temporary

shelter. These individuals were moved into normal residential housing a few weeks later, after which the use of tents for this purpose ceased. The new facility was only for those who had been denied asylum. Most individuals with pending applications were housed in rented apartments or equivalent quarters.

Iraqi refugee applicants conducted a several-week hunger strike in September to protest asylum adjudication delays lasting several months. No asylum seekers have been returned to Iraq.

The government reported that 1,274 asylum requests were filed between January and August 2011, reflecting a doubling of the caseload from the previous year. In 2010, 786 people sought asylum; 237 of these requests were rejected.

Safe Country of Origin/Transit.—Luxembourg applies the safe country of transit principle. There are no laws permitting the denial of asylum based on an applicant's country of origin.

Nonrefoulement.—The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. There is no "black list" for repatriation; each dossier is examined on its merits.

Temporary Protection.—The law provides for the possibility of granting protection to individuals who may not qualify as refugees; the government granted such protection to nine persons as of October.

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

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

Elections and Political Participation.—Recent Elections.—In 2009 the country held elections for the 60 seats in the Chamber of Deputies that were considered free and fair.

Participation of Women and Minorities.—There were 15 women in the 60-member Chamber of Deputies and four women in the 15-member cabinet. There were 19 women in the 32-member Supreme Court. There was one parliamentarian of Portuguese descent and one minister of Italian descent.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of government corruption during the year. The Ministry of Justice is responsible for combating government corruption. Public officials are not subject to financial disclosure laws.

While there is no law providing public access to government information, in practice the government granted the public access to such information and placed extensive quantities of government information on official Web sites.

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

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

Government Human Rights Bodies.—There is an Ombudsman Committee for the Rights of Children. The committee, although government-funded and composed of government nominees, was independent. The resources provided were sufficient to allow for its continuous and unrestricted operations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Women.—Rape and Domestic Violence.—The law prohibits rape, including spousal rape, and the government enforced the law effectively. The legal penalties range from five to 10 years' imprisonment. The law prohibits domestic violence, and the government effectively enforced the law. The law is gender neutral and provides for the removal of abusers from their residences for 10 days; this can be extended an additional three months. Penalties may include fines and imprisonment. If a person approaches an NGO for assistance in such cases, the police are required to investigate. In 2010 there were 589 cases of spousal abuse requiring a police response, and 264 of the abusing spouses were removed from their homes.

The government funded organizations that provided shelter, counseling, and hotlines. There were three hotlines for abused women. The government provided financial assistance to domestic violence victims during the year.

Sexual Harassment.—The law prohibits sexual harassment and requires employers to protect employees from sexual harassment. The law prohibits gender-based job discrimination and harassment of subordinates by superiors. Disciplinary measures against offenders are available, including dismissal. An employer's failure to take measures to protect employees from sexual harassment is considered a breach of contract, and an affected employee has the right to paid leave until the situation is rectified. Sexual harassment in the workplace was not considered a problem.

Reproductive Rights.—Couples and individuals have the right to decide freely the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth. According to U.N. statistics, the 2008 rate of maternal mortality was 17 deaths per 100,000 live births. No barriers existed that limited access to maternal health services.

Discrimination.—Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The law mandates equal pay for equal work; however, according to government reports, women were paid 14 to 16 percent less than men for comparable work. The Ministry of Equal Opportunities is responsible for protecting the legal and social rights of women. In November the Ministry for Equal Opportunities started a campaign, focusing on the equality of men and women in the personal and professional spheres. This campaign followed two earlier ones in 2010 that focused on equal rights for women and men.

Children.—Birth Registration.—Citizenship is governed by the principle of descent, according to which a father or mother who is a citizen automatically conveys citizenship to their offspring at birth. The government registered all births immediately.

Child Abuse.—A special police unit is responsible for the protection of minors, and two call centers-one government-run, the other administered by an NGO-were available to victims of child abuse. Neither the government nor NGOs published statistics on child abuse during the year.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were no reports of anti-Semitic acts. The Jewish community numbered approximately 1,500 persons.

Trafficking in Persons.—Please see the Department of State's annual Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services or other areas, and the government effectively enforced these provisions. The law does not require government or privately owned buildings to be accessible to persons with disabilities, but the government subsidized the construction of "disabled friendly" structures. The NGO Aid for Handicapped Children advocated for the protection of the rights of persons with disabilities.

The law establishes quotas requiring businesses that employ more than 25 persons to hire workers with disabilities and pay them prevailing wages, but the government acknowledged that these laws were not applied or enforced consistently. Reportedly, private companies with at least 25 workers had to include at least one employee with a disability. For larger companies, the workforce must consist of between 2 and 4 percent of employees with a disability. For state and all public companies, at least 5 percent of the workforce must be classified as disabled.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There was one lesbian, gay, bisexual, and transgender organization, which operated without impediment. There were no reported incidents of discrimination based on sexual orientation or gender identity.

Other Societal Violence or Discrimination.—There were no reports of official or societal discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements; the law also provides for the right to collective bargaining. The law allows unions to conduct their activities without inter-

ference, workers exercised these rights freely, and the government protected these rights in practice. There were no reported instances of antiunion discrimination.

The law provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. For a strike to be legal, the government's national conciliation office must certify that conciliation efforts have ended.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports of trafficking in women for sexual exploitation. See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace, and the government effectively enforced these laws. There were no reports of illegal child labor.

The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively enforced the child labor laws.

The Ombudscommittee for Children's Rights (a separate institution from the ombudsman) carried out a series of inspections including inspections for child labor.

d. Acceptable Conditions of Work.—As of October 1, the national minimum wage for a worker over the age of 18 was 1,801 euros ($2,341) per month for unskilled workers and 2,161 euros ($2,809) for skilled workers. The poverty income level was 1,650 euros ($2,145) per month in 2011. The Ministry of Labor enforced the minimum wage effectively. Minimum wage provisions covered foreign and migrant workers.

The law mandates a maximum normal workweek of 40 hours. Premium pay is required for overtime or unusual hours. Sunday employment is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries must request permission for Sunday work, which the government considered on a case-by-case basis and generally granted. Work on Sunday, allowed for some retail employees, must be voluntary and compensated at double the normal wage or with compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day, including overtime. The labor inspection court and the Superior Court of Justice are responsible for enforcing these laws. The government conducted investigations and transferred cases to judicial authorities regularly.

The law mandates a safe working environment. An inspection system included penalties for infractions. The labor inspectorate of the Ministry of Labor and the accident insurance agency of the Social Security Ministry carried out effective inspections. Workers have the right to ask the labor inspectorate to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously. There were 50 inspectors as of 2011. In 2010 there were 19,524 work related injuries, including 17 work related deaths; figures for 2011 were not available.

MACEDONIA

EXECUTIVE SUMMARY

The Republic of Macedonia is a parliamentary democracy. A popularly elected president is head of state and commander in chief of the armed forces. A unicameral parliament (Sobranie) exercises legislative authority. On June 5, the country held national parliamentary elections that international observers assessed as meeting most international standards for democratic elections. Security forces report to civilian authorities.

The most important human rights problem was the government's failure to fully respect the rule of law, which was reflected in its interference in the judiciary and the media, selective prosecution of political opponents of the country's leaders, and significant levels of government corruption and police impunity. Tensions between the ethnic Albanian and Macedonian communities, as well as societal discrimination against Roma and other ethnic and religious minorities, constituted another area of human rights concern.

Other significant human rights problems reported during the year included poor conditions and overcrowding in some of the country's prisons, domestic violence, and some discrimination against women and persons with disabilities. There was soci-

etal prejudice against members of the lesbian, gay, bisexual, and transgender (LGBT) community, who were the subject of harassment and use of derogatory language, including in the media. Macedonia was also a source, destination, and transit country for men, women, and children for sex trafficking and forced labor.

The government took some steps to punish police officials guilty of excessive force or impunity and strengthen the internal police investigation unit, but impunity continued to be a problem. There were credible claims during the year that the government interfered in high-profile cases involving abuse of office or misuse of official position to coerce officials or party members or intimidate key opposition leaders.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any arbitrary or unlawful killings.

On June 5, Martin Neskovski was beaten to death by a plainclothes police officer, Igor Spasov, at the celebration of the ruling political party's election victory. Spasov, a member of the Ministry of Interior's special police unit, was arrested and put on trial. The ministry faced heavy media criticism for not moving quickly to identify and arrest the officer and for lack of transparency and communication with the public. The killing sparked daily youth protests that lasted two weeks and drew 500 to 1,500 persons demanding the resignation of the minister of interior as well as justice for the victim's family. Spasov pleaded innocent, claiming that he was on duty to provide security for Prime Minister Gruevski and other ministers. The ministry denied any responsibility for Spasov's actions. The Skopje Criminal Court convicted and sentenced Spasov to a 14-year prison sentence for murdering Neskovski. Following Spasov's arrest, the "Stop Police Brutality" members and Neskovski's family accused the government of a biased investigation, police impunity, and intimidation and claimed that Interior Minister Jankulovska had no control over security forces.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were credible reports that police used excessive force during the apprehension of criminal suspects and abused detainees and prisoners.

During the first nine months of the year, the Ministry of Interior's Sector for Internal Control and Professional Standards Unit (PSU) reported receiving 51 complaints against police officers for use of excessive force. After preliminary investigations the PSU found grounds for further investigation in three cases. For all three cases the PSU proposed a mandatory disciplinary procedure against all the police officers in front of the Disciplinary Commission. However, the commission did not initiate disciplinary procedures in any of the three cases because it determined the cases to be obsolete.

In its 2011 annual report, the Office of the Ombudsman reported some improvements in the investigations of the PSU; however, it reported that in most cases the PSU did not conduct thorough and objective investigations. The report also noted that this "solidarity with police officers" was shared by the courts and the public prosecutor and that court procedures lacked time limits, contributing to the impunity of police officers.

Between November 2010 and July 2011, the nongovernmental organization (NGO) All4Fair Trials received 16 complaints from citizens alleging excessive use of force by police. It referred many of these complaints to the PSU or ombudsman. It also noted that some alleged victims did not want to report the incidents to authorities due to fear of reprisal. The NGO criticized the Prosecutor's Office for not completing prosecutions of police abuse cases filed in 2007 and 2008.

According to the Council of Europe's Committee for the Prevention of Torture's (CPT) report on its fall 2010 visit to the country, a significant number of people alleged mistreatment by police officers. Police officers reportedly used punches and kicks to the body and head as well as the use of batons on suspects during interrogations, or during transfer from the place of arrest to a police station.

Prison and Detention Center Conditions.—Inhumane prison conditions continued to be a concern. Discrepancies in statistics existed between the data provided by the Ombudsman's Office and by prison officials. As of November the ombudsman reported that the country housed a total of 2,329 detainees and prisoners, although the designed capacity of all facilities was only 1,952 inmates. There were no reports of prisoners serving beyond their maximum sentence. Prisoners had access to potable water. The ombudsman's 2010 annual report stated that conditions in the prisons were unchanged and remained substandard and overcrowded. The report also

noted that the opportunity for juvenile detainees to mingle with adult detainees remained a problem.

The CPT report also stated that fundamental change was required to address challenges facing the prison system. The lack of a professional management approach, low staffing ratios, and an absence of accountability and clear rules were particularly problematic. At Idrizovo Prison, the country's largest prison facility, a number of credible allegations of mistreatment of prisoners by staff were received, and interprisoner violence remained a significant problem. Many inmates were held in deplorable living conditions, crowded together in a dilapidated, dangerous, and unhygienic environment, while most prisoners were offered no activities and locked in their cells for up to 23 hours a day.

In the remand sections of Skopje and Tetovo Prisons, inmates were offered no organized activities and less than one hour of daily outdoor exercise, if any. The CPT report also detailed the overcrowding and poor material conditions in which remand prisoners were kept. The report was particularly critical of the treatment of juveniles held in remand and recommended that action be taken to offer them educational and recreational activities and to ensure that they were never held in a situation of de facto solitary confinement.

The national authorities stated that measures were being taken to improve the conditions of detention in the prisons, particularly at Idrizovo Prison, with the support of a Council of Europe Development Bank loan. A new rulebook was adopted aimed at offering all prisoners a range of activities as well as the legal requirement of two hours of daily outdoor exercise.

The CPT report noted consistent allegations of mistreatment of patients by staff as well as of interpatient violence, in particular at Demir Hisar Psychiatric Hospital. The CPT recommended implementing a policy of zero tolerance, improving staffing levels and professionalism, upgrading living conditions, and establishing an independent system for complaints and inspections. National authorities reported that procedures were being adopted to ensure proper conduct by medical staff towards patients and continuing training for orderlies and nurses. Authorities had plans to upgrade living conditions.

At the Demir Kapija Special Institution for persons with mental disabilities, the CPT observed relaxed, positive relations between staff and residents. However, concerns were raised that the health-care needs of residents were not adequately met. National authorities responded that the quality of residential care improved following the recruitment of additional staff.

The country has 11 prisons and two juvenile correctional institutions. Of the 11 prisons, two are high-security prisons—Idrizovo in Skopje and the Stip prison. Six of these prisons also housed detainees. Men and women were held separately in both the prisons and the detention facilities. According to prison officials, the maximum capacity of prison facilities was 2,290. Prisons were designed to house 1,869 prisoners; detention facilities, 421 detainees; and the Tetovo Juvenile Correction Facility, 44 offenders. The total number of prisoners, including juveniles and women, was 2,300, of whom 21 were juvenile offenders serving their sentences in the Ohrid juvenile prison. The total number of all pretrial detainees was 402. Idrizovo had a separate women's division housing all women offenders—both adults and juveniles—from the entire country. Juvenile prisoners were held separately from adults and housed at the low-security juvenile prison in Ohrid. Pretrial detainees were held separately from convicted prisoners. Detainees charged with serious crimes punishable by more than 10-year prison sentences were held at Idrizovo.

According to prison officials, two deaths of detainees were reported during the year. One detainee held at the Tetovo prison committed suicide. The second detainee died of natural causes at the Ohrid prison. Between ten and 12 prisoners died during the year—two in Skopje Prison, seven in Idrizovo, and one in Strumica prison. Six died while undergoing hospital treatments, one committed suicide, one died at home from natural causes while on weekend leave from prison, one died in a traffic accident while on weekend leave from prison, and one committed suicide while on weekend leave from prison.

Some media reported that on February 2, an inmate of the Suto Orizari detention center in Skopje was found dead in his cell. The body reportedly was sent for examination to the Forensic Medical Institute, but sources from the institute said they had no record of any such case. On November 14, a woman reportedly committed suicide while in detention at the Tetovo Prison Detention Unit. Police, an investigative judge, and a prosecutor inspected the site and turned the body over to forensic examiners to verify the cause of death.

The Ministry of Justice's Sanctions Enforcement Administration conducted a survey of Idrizovo State Prison personnel and the Suto Orizari Detention Center in Skopje. Results indicated that more than half of the custodial personnel possessed

little to no professional skills or knowledge of relevant laws. In response the primary prison employees union complained of lack of adequate equipment and training and severe understaffing.

In July the government enacted a new rulebook for detention centers that met EU standards, replacing the socialist-era rulebook. The new rulebook states that detainees will have access to a television and telephone and that security will be upgraded with a new modern control system.

The ombudsman regularly visited the country's prisons and maintained complaint boxes there. The ombudsman stated that the right to express religious beliefs and practice religious rites in the penitentiary and correctional facilities was not hindered. Visitor access was allowed, but facilities remained insufficient for the number of prisoners, and conditions were poor.

In its October progress report, the European Commission reported that the government had adopted an annual program for the construction and renovation of prisons. Parts of the prisons where degrading conditions were reported (in particular Idrizovo Prison and its semi-open ward) were renovated. Conditions in the Tetovo Juvenile Correctional and Rehabilitation Institute continued to raise serious concerns, as did the closed ward of Idrizovo. The report noted that most of the prisons continued to be underfunded and could not cover their basic maintenance expenses and that the mechanisms for preventing and combating mistreatment and corruption in prisons remained weak.

During the year the Ministry of Justice refurbished the old detention unit in the Suto Orizari Detention Center, equipped the fitness room, repaired the plumbing and sewage infrastructure, and designated two rooms for confidential meetings of detainees and their defense counsels.

The government usually granted independent humanitarian organizations and the ombudsman access to convicted prisoners. The law allows family members, physicians, diplomatic representatives, and representatives from the CPT and the International Committee of the Red Cross access to pretrial detainees with the approval of the investigative judge. However, during the year the local branch of the Helsinki Human Rights Committee claimed that the government denied committee representatives access to prisoners.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

Role of the Police and Security Apparatus.—The national police, consisting of uniformed police, criminal (civilian) police, and border police, are a centralized force under the Ministry of Interior. International observers and local NGOs cited corruption, lack of transparency, and political pressure within the ministry as hindering efforts to fight crime, particularly organized crime.

In addition to investigating alleged police mistreatment, the PSU conducted all internal investigations into allegations of other forms of police misconduct. The PSU has authority to impose administrative sanctions during the course of its investigations, such as temporary suspension from work, but cannot impose disciplinary actions, which require a ruling from a disciplinary commission, or more serious criminal sanctions, which require court action. Although there were improvements with internal investigations and an active ombudsman, police impunity remained a problem.

Insufficient funding and staffing hampered the PSU's effectiveness, and the professional capacity of the PSU remained low. Many observers considered that the PSU, Prosecutor's Office, and courts did not provide an effective deterrent to police abuse, contributing to an atmosphere of impunity. The 2010 ombudsman's report concluded that responses to complaints against police officers were "endlessly delayed" and that priority was given to complaints accusing citizens of attacking law enforcement officials, rather than complaints of police impunity.

Although unit officials showed some improvement in efficiently conducting internal investigations, concerns remained about the low number of completed investigations and the lack of charges in outstanding human rights cases from previous years.

Representatives from a number of international organizations, including the Organization for Security and Cooperation in Europe (OSCE), the EU, and foreign diplomatic missions, continued to monitor police operations and advise the Ministry of Interior on police reforms.

Arrest Procedures and Treatment While in Detention.—The law requires warrants issued by an investigative judge for arrest and detention, and police generally followed this requirement in practice.

The law states that prosecutors must arraign a detainee within 24 hours of arrest. An investigative judge, at the request of a prosecutor, may order detention of sus-

pects for up to 72 hours before arraignment. Police generally adhered to these procedures in practice. There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. Police did not arrest the individuals or hold them for extended periods of time. The law permits immediate family members access to detainees, and authorities generally provided access, although it was not always prompt. The law states that an investigative judge must approve access requests.

While judges usually granted permission for attorneys to visit their clients in detention, legal contacts reported that in some high-profile cases, defense attorneys were not granted timely and confidential access.

The Ministry of Interior conducted inspections of the registers of detained persons and prepared standard procedures for their detention and treatment. These procedures included designating shift supervisors who were responsible for the proper processing and treatment of detained persons.

There is a functioning bail system. After arraignment the law sets the initial length of pretrial detention to a maximum of 30 days. This period may be extended up to 180 days in total if a council of three judges orders a 60-day extension for further investigation and a superior court orders an additional 90-day extension. The law allows a 90-day extension only in cases for which sentencing guidelines provide that a person convicted of the crime under investigation serve at least five years in prison. Following indictment the maximum pretrial detention is two years.

e. Denial of Fair Public Trial.—The constitution and laws provide for an independent judiciary; however, the government exercised political pressure and intimidation on the judicial branch. Inadequate funding of the judiciary continued to hamper court operations and effectiveness. A number of judicial officials accused the government of using its budgetary authority to exert control over the judiciary.

Political pressure influenced the work of the Judicial Council, the body responsible for the election, discipline, and removal of judges. There were reports that the Judicial Council gave preference to outside candidates for judgeships instead of choosing 50 percent of new judges from academy graduates as the law requires. Through December the Judicial Council elected 27 new trial court judges, five of whom were academy graduates. On November 30, the Judicial Council elected Ana Gerasimovska, the daughter of the chair judge in the case against the owner and managers of the opposition-oriented television station A1, to be a judge on the Administrative Court.

In December 2010 the appellate court released a convicted cigarette smuggler to house arrest pending appeal. The Supreme Court reversed the decision on the grounds that the appellate court judges misinterpreted the law on detention and filed motions with the Judicial Council against the appellate court judge and the president of the appellate court for "unprofessional conduct and malpractice." Legal experts and members of the academic law community stated that neither interpretation could be considered incorrect, asserted that the motions before the Judicial Council were extreme, and questioned whether the Judicial Council should discipline judges for their interpretation of the law in a ruling. The media opined that the government was attempting to remove judges who did not succumb to executive pressure. One of the three judges involved in the appellate ruling resigned from the bench in December 2010 for unspecified reasons. The president of the appellate court, Jordan Mitrinovski, resigned his position as president "for health reasons" but said he wanted to remain a judge. On May 18, the Judicial Council removed Mitrinovski from the bench for unprofessional and incompetent conduct. On September 14, a Supreme Court-led panel denied Mitrinovski's appeal and upheld the Judicial Council's removal decision.

In February 2010 the parliamentary Standing Inquiry Committee on Human Rights concluded that the human rights of defendants and witnesses in the 2003 Sopot case had been violated by the "authorized bodies and institutions" of the country. The committee found violations of prohibitions of torture, inhumane, or degrading treatment; the right to liberty and security; the right to privacy of home; and the right to a fair trial. The case involved the killing of two Polish NATO soldiers and two civilians by an improvised explosive device along the Kumanovo-Sopot road. Eleven ethnic Albanians were convicted in three separate trials in 2004, 2006, and 2009 and sentenced to 10 to 14 years in prison. In September 2010 the appellate court reversed the decision of the first trial court and ordered a retrial for all 11 defendants. Retrial started on April 19, before Basic Court Skopje I, and continued at year's end. At the end of the year, four defendants remained under house arrest, two remained in detention pending retrial, and five remained at large.

Throughout the year the government heavily criticized the Constitutional Court for overturning a number of laws related to government-sponsored projects. In March the speaker of parliament demanded that the president of the Constitutional

Court, Trendafil Ivanovski, come to parliament to explain the court's rulings. Ivanovski refused, citing the independence of the court. Previously, in October 2010, the Verification of Facts (Lustration) Commission found Ivanovski guilty of collaboration with the secret services during the communist era. Ivanovski appealed the ruling to the Administrative Court, which upheld the guilty verdict. Ivanovski was suspended from the Constitutional Court and appealed to the Supreme Court. On March 22, the Supreme Court upheld the guilty verdict. Ivanovski again refused to step down from the court, and on April 12, parliament voted to remove him from office. Ivanovski filed a petition with the European Court of Human Rights (ECHR) that was pending at year's end.

During the year the media and legal community criticized the government for proposing judicial legislation with little or no input from judicial or legal experts. Parliament also was criticized for passing a bundle of judicial legislation during its first week in session after the June 5 election without debate under a fast-track procedure. For example, the government proposed and parliament passed measures amending the law on the Judicial Council and the Prosecutorial Council to remove the minister of justice as a voting member. NGOs, the media, and legal professionals criticized the system, asserting that it would not solve major problems with the judiciary, such as chronic underfunding, political pressure on judges, and inadequate working conditions.

The trial courts' efficiency improved significantly. Based on unofficial reports from government authorities, through September 30 the trial courts decided 833,320, or 78.1 percent, of the 1,066,950 cases on their dockets, versus 52.3 percent in the same period of the previous year. The efficiency of other courts varied. The appellate courts completed 77.5 percent of their caseload, and the Supreme Court completed 47.5 percent. The Administrative Court completed only 32.8 percent of its workload. The transfer of backlogged cases involving the enforcement of civil judgments (mainly cases for collection of utility bills) from the courts to the private enforcement system began on July 1. This activity, completed on December 31, would relieve trial courts of a backlog of 466,315 cases.

Trial Procedures.—The law presumes defendants innocent until proven guilty. Trials are generally open to the public. The country does not use juries. A single judge hears less serious cases, and a panel of one or two professional judges and two to three lay judges hear more serious cases. The judicial panels determine guilt and impose sentences. The panel usually follows the recommendations of the presiding judge. Defendants have the right to an attorney in pretrial and trial proceedings. The law requires that courts provide indigent defendants an attorney at public expense, and authorities generally respected this requirement in practice. Defendants may question witnesses and present evidence on their own behalf. The law entitles defendants and their attorneys access to government-held evidence. In practice defendants were not always given access. Both the prosecution and defendants have the right to appeal verdicts.

The law provides that courts may try defendants in absentia so long as they retry the convicted individuals if they later become available for trial.

The courts published civil and criminal judgments online, but public access to judgments and court decisions remained limited. Most of these electronically published judgments lacked an indexing function and were difficult to search due to the large amount of deleted data. Officials cited privacy and data protection concerns as reasons why the courts did not publish more information on judgments.

Political Prisoners and Detainees.—During the year there were claims that authorities detained persons for political reasons.

On June 6, the day after the national election, police arrested Ljube Boskoski, leader of the United for Macedonia political party, on charges of illegal election campaign financing and misuse of official position. Police allowed journalists to film the arrest, including the seizure of 100,000 euros (approximately $130,000) in cash and a gun from Boskoski's vehicle. The video was broadcast on YouTube and the Ministry of Interior's Web site. Boskoski was sent to 30 days of pretrial detention on the day of his arrest, which was subsequently renewed. In November Boskoski was found guilty of both charges, sentenced to seven years in prison, and immediately began to serve his sentence.

There were claims that officials used pretrial detention as a punitive measure in the case of the former manager of the Health Fund, Georgi Trenkoski. Trenkoski was arrested in November 2010 and sent to 15 days of pretrial detention on charges more serious than those for which he had been indicted. Authorities justified pretrial detention as necessary to prevent Trenkoski, who had resigned from his position at the Health Fund three months earlier and had no access to its files, from tampering with evidence. Trenkoski's supporters claimed that the media were noti-

fied ahead of his arrest to ensure his humiliation. Trenkoski subsequently was released from detention, although the court seized his passport as a security measure to ensure his presence at trial. His trial, which started in June 2010, continued at year's end.

Regional Human Rights Court Decisions.—As of December the ECHR issued seven decisions that found violations of the European Convention on Human Rights by the state. While the government enacted a law in 2009 providing for enforcement of ECHR orders, government officials did not adequately implement the law, and the government complied with only a small number of the ECHR orders in a timely and adequate manner.

Civil Judicial Procedures and Remedies.—Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. Individuals may file human rights cases in the criminal, civil, or administrative courts, depending upon the type of human rights violation in question and the perpetrator of the alleged violation. Individuals may also appeal adverse decisions. The law provides the right to timely adjudication of cases and a legal basis for raising excessive judicial delays to the Supreme Court. Individuals could appeal court decisions involving alleged violations of human rights by the state to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—*Status of Freedom of Speech and Press.*—The constitution provides for freedom of speech and press; however, the government did not always demonstrate respect for this right in practice, and government pressure on the media was a growing problem.

Freedom of Speech.—The law prohibits speech that incites national, religious, or ethnic hatred, and the law provides penalties for persons who violate these laws. Individuals may criticize the government publicly or privately, but there were reports that the government attempted to impede criticism.

Freedom of Press.—Media outlets were covered by the same laws that restrict speech inciting national, religious, or ethnic hatred. In addition there were reports that the government pressured the media and forced journalists to practice self-censorship. A few independent media voices were active and expressed a wide variety of views without restriction, particularly through online outlets. However, after the closure of opposition-oriented A1 Television and the daily newspapers Vreme, Shpic, and "**** e Re," the number of media voices critical of the government declined. Media institutions and reporting continued to be divided along ethnic and political lines, with the most striking divisions visible in reporting on controversial political and interethnic issues.

The government was one of the largest purchasers of advertising in the country and favored outlets and journalists it perceived as friendly. During the year the Association of Journalists of Macedonia (AJM) criticized specific media developments, such as the closing of A1 Television and related print daily newspapers, firing of individual journalists, and overall decline in media freedom. The AJM called on authorities to engage publicly with members of the media to address the crisis. The Independent Trade Union of Journalists was another frequent voice of alarm over the erosion of media freedom.

The ruling party, various ministries, and the president's cabinet regularly issued statements that denied any undue pressure on journalists but at the same time expressed disappointment over reporting by some media outlets—most frequently A1 Television and its related daily newspapers—and criticized them for bias and unprofessionalism.

There were five major privately owned daily newspapers in the Macedonian language and three in the Albanian language. International newspapers and magazines were available throughout the country. Macedonian Radio and Television, whose reporting reflected the government's views and policies, was the country's sole public broadcaster. On July 30, authorities revoked the broadcasting license of A1 Television. Following the revocation, there were four private television broadcasters with national coverage, 13 national television stations that broadcast via satellite, and 58 private local and regional television stations. Most of the stations broadcast news programs and reflected a narrow segment of viewpoints. There were 80 independent radio stations that broadcast around the country. All major broadcast and print media offered up-to-date Internet editions. During the year many online portals opened and provided views and commentaries that were critical of the government.

Internet-based social networks were available and popular, and a small number of blogs maintained often critical content.

Violence and Harassment.—On August 8, the head of the Media Labor Union was fired from her job at Alsat TV, which claimed the dismissal was based on the consensual termination of her contract. She filed charges against Alsat TV for wrongful termination, asserting that she never knowingly signed such a contract and that, by law, the leader of a trade union cannot be fired. Both domestic and international media organizations, including Reporters Without Borders, issued statements criticizing the "arbitrary dismissal" of journalists active in labor unions. While some journalists believed that factors other than her union position played a role in her termination, they stressed that Alsat TV failed to respect laws that prohibit companies from firing union leaders.

In December 2010 Velija Ramkovski, businessman and owner of the country's most popular station, A1 Television, and several related print outlets also known for their opposition views, his daughter, and 17 other employees of Ramkovski businesses were arrested on charges of tax evasion and conspiracy. Four additional suspects evaded arrest. There were credible reports that while in detention a pregnant detainee suffered a miscarriage and that another detainee with a serious medical condition was not provided assistance. Another detainee was rushed to emergency surgery without family notification. On March 22, prosecutors indicted all 23 suspects. The trial began on May 23 and continued at year's end. Eight defendants in the case remained in detention, 11 were under house arrest or other security measure, and four remained at large.

With the companies' assets frozen by the Public Revenue Office and no access to additional funding, the three major daily newspapers with ties to Ramkovski were forced to stop publishing on July 3. On July 17, the court began bankruptcy proceedings against A1 Television, and on July 30, the Agency for Electronic Communication revoked the station's broadcasting license. Domestic and international media outlets and organizations, including the International Federation of Journalists, Reporters Without Borders, the Southeast European Media Organization, and the OSCE's representative for freedom of the media, criticized the closing of the outlets, noting that the media in the country was in crisis. Reporters Without Borders expressed concern over the "decline of press freedom" in the country and noted that the government's actions posed a threat to media independence.

On July 18, by an emergency procedure, parliament amended the Broadcasting Law to expand the National Broadcasting Council from nine to 16 members, with the seven new members being nominated by the president and other government institutions. The amendment triggered widespread criticism from journalists and Reporters Without Borders, which interpreted the move as a government attempt to control the council.

Libel Laws/National Security.—The AJM announced that nearly 200 charges of defamation, libel, and slander filed by public officials from 2009 to August 2011 were pending against journalists. After the AJM dropped slander charges against a progovernment journalist on January 17, the government withdrew 35 other pending cases brought by government officials, including 21 brought by members of parliament. The government claimed that it maintained its right to sue journalists for defamation in order to defend its credibility from unprofessional journalists.

Actions to Expand Press Freedom.—On September 14, the new deputy prime minister for EU integration, Teuta Arifi, cohosted a roundtable discussion with the AJM on the future of media in the country. Participants included journalists, media owners, students, and members of the international community. Dunja Mijatovic, the OSCE's representative on media freedom, paid a three-day visit to the country in October to discuss freedom of the media with a variety of stakeholders. At the end of her visit, she called on the government to support greater media independence and on the media to show increased professionalism and a willingness to work with the government on media-related initiatives. Deputy Prime Minister Arifi held a follow-up roundtable on December 13, after which Minister of Justice Blerim Bexheti tasked a ministry-led multidisciplinary committee, including AJM representatives, to propose amendments for the decriminalization of slander.

Internet Freedom.—There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. Political activists and others critical of the government stated that their e mail, social media, and other electronic communications were monitored and/or disrupted by the government, but the extent of these practices was unknown.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the government generally respected this right in practice. To hold public gatherings of any kind, organizers must notify the Ministry of Interior so the venue can be made secure.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

In-country Movement.—Beginning in April 2010, recognized refugees could no longer travel with the current 1951 Convention Travel Document (CTD) form, since it had not been upgraded to be a machine-readable travel document in accordance with the new International Civil Aviation Organization standards applicable as of that date. The Ministry of Interior's assessment of technical capacities to issue machine-readable CTDs or eventually biometric CTDs has been pending since 2010.

Internally Displaced Persons (IDPs).—The government reported 474 persons remained displaced from the 2001 internal conflict. Of these, 200 persons lived in collective centers, and 274 were lodged with host families.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for work due to the country's high unemployment rate. The UNHCR assisted 27 IDPs in establishing their civil status and obtaining identity documents.

During the year the government encouraged IDPs to return to their homes of origin in areas the authorities considered safe. Some IDPs continued to assert that the government did not provide adequate support for the return process. Romani IDPs faced additional challenges because they were unable to document their tenancy at properties where they previously resided.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status both to those individuals meeting the criteria for refugee status and those meeting the criteria for subsidiary protection. The government has established a system for providing protection to refugees. However, the government did not grant refugee status or subsidiary protection to any asylum seekers during the year.

The law on asylum meets most international and EU standards; however, it contains exclusionary provisions for persons under subsidiary protection that observers asserted do not comply with the 1951 Refugee Convention. In addition the government did not effectively implement the law. No person has been granted any form of asylum since mid-2008. Subsidiary protection was terminated for nine Kosovo Romani cases on the basis of national security, an exclusion not contained in the 1951 Refugee Convention.

In 2010 the UNHCR submitted friend of the court briefs to the Administrative Court about two refugee cases in which the Section for Asylum ceased providing subsidiary protection on exclusion grounds of constituting a danger to national security. The court accepted the appeals and returned the cases for re-adjudication. In July, despite instructions from the court to re-adjudicate, the Section for Asylum again ceased protection, again citing danger to national security. Of the 10 similar cases, six involved Roma from Kosovo residing in Macedonia since 1999 and four involved new asylum seekers. The cases were appealed to the Administrative Court.

Visa liberalization with the EU introduced in 2009 resulted in an increased number of Macedonian asylum seekers in the EU. In response to an EU request to decrease the number of asylum seekers, the authorities organized a multiagency working group that created a multipronged strategy including a media campaign, sanctions for travel agencies who target potential asylum seekers, and profiling at border stations. From April to October, more than 1,500 Macedonia citizens (mostly Roma) were refused exit from the country on the basis of being potential asylum seekers in the EU.

While authorities asserted that the law provides for protection of refugees and persons under subsidiary protection in accordance with EU standards, the UNHCR reported that the refugee status determination mechanism failed to provide basic procedural guarantees and proper determination as prescribed in the law, i.e., a

cancellation of subsidiary protection status, ex-officio, without a hearing, based on undisclosed evidence.

Safe Country of Origin/Transit.—The government rejected the asylum applications of persons who arrived in Macedonia via a safe country of transit. As of August authorities had rejected the applications of 56 asylum seekers—42 from Greece and 17 from Serbia— on the grounds that they had arrived through a "safe third country." Advocates voiced concern about this because the determination if a particular third country is "safe" (for the purpose of returning an asylum seeker) cannot be answered in a generic fashion for all asylum seekers in all circumstances, arguing that it must be answered on an individual basis. The Section for Asylum issued the 56 decisions within a two-month period, without hearings, thus denying the applicants an effective opportunity to rebut the presumption of safety in the asylum law.

The government reaffirmed its commitment to the international community that it would not deport failed asylum seekers from Kosovo, and no such deportations took place. Such persons were issued provisional identification documents in order to secure access to services. The documents were subject to extension as individual circumstances warranted. By June the Administrative Court accepted one appeal and returned the case for re-adjudication. It rejected appeals in two cases, while an estimated 40 cases were pending. The Supreme Court issued only two verdicts, rejecting the appeals, while 11 were pending. On June 30, a Higher Administrative Court was established to hear appeals against Administrative Court decisions. By early December, 14 of the 15 judicial slots were filled, but the court's capacity to review decisions effectively remained limited due to insufficient administrative and logistical support. Rejected asylum seekers from Kosovo continued to be assisted by the UNHCR.

The country continued to experience an increase in arrivals of new asylum seekers from outside the region, primarily from Central Asia and the Middle East, but also some from North Africa, Sub-Saharan Africa, South Asia, and Russia. There were no qualified interpreters in Pashtu, Dari, or Arabic, which made identification and conducting interviews difficult. The government deported most of these persons to unknown destinations after they applied for asylum. By the end of August, the number of registered asylum seekers increased from 174 in 2010 to 485. Of these individuals, 86 were present at the end of August at the reception center for asylum seekers in Vizbegovo, which has a capacity of 150 persons.

The government issued identity documents to recognized refugees and other persons under subsidiary protection. However, authorities frequently delayed or failed to issue identification documents to new asylum seekers. The government has a formal system for appointing guardians. In practice no appointed guardian met an unaccompanied minor seeking asylum.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, or in which they would be subjected to torture or inhuman or degrading treatment or punishment. However, the UNCHR noted that only two locations in Skopje reported registrations of new asylum seekers. No border crossings, police stations, or immigration offices outside Skopje reported any registrations. The UNHCR raised concerns that asylum seekers presenting themselves outside of Skopje were not accounted for and may be informally returned or transported to third countries.

By the end of August, 1,524 asylum seekers, refugees, persons under subsidiary protection, and other persons of concern remained in the country, most of them Roma from the 1999 conflict in Kosovo. The UNHCR continued to note progress in the return process of Roma to Kosovo, which it facilitated on the basis of individual voluntary requests. As of the end of August, 135 individuals had returned to Kosovo, while 213 were awaiting return. The reconstruction of 11 houses in Kosovo was approved with the support of local authorities and the international community, pending provision of funds for their reconstruction.

Durable Solutions.—The Ministry of Labor and Social Policy is responsible for the social protection of persons granted asylum. An office within the ministry worked to provide integrated, durable solutions with the support of the UNHCR. As of the end of August, 730 persons (183 families) were granted asylum and had applied for integration in the country. However, the country lacked sufficient housing for these people. In 2008 the government adopted a seven-year program for integration of persons granted asylum, including assistance for public housing. Two years after its adoption, the government allocated a state-owned plot of land located in Visbegovo, Butel, for the construction of 30 public housing units for integrating refugees (to be

funded by the UNHCR). The procedure for provision of necessary documentation for construction of housing units remained pending at year's end.

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

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

Elections and Political Participation.—Recent Elections.—In June the country held parliamentary elections, with high public turnout and only minor confirmed incidents. The OSCE's Office for Democratic Institutions and Human Rights reported that the elections were "transparent and well administered throughout the country"; however, insufficient separation between party and state activities and pressure on public sector employees to support the ruling coalition were problems. For the first time, citizens residing abroad could vote by absentee ballot.

Political Parties.—On June 6, the day after the national election, police arrested Ljube Boskoski, leader of the United for Macedonia political party, on charges of illegal election campaign financing and misuse of official position. Boskoski was convicted on November 29 and sentenced to seven years in prison. Boskoski asserted his arrest was political retaliation for his preelection antigovernment speeches. Other sources claimed that his conviction was also retaliation for his alleged cooperation with the Office of the Prosecutor in the 2001 war crimes cases in which Boskoski received an acquittal, while the second defendant, Johan Tarculovski, was convicted and received a 12-year prison sentence.

In August the government demolished the Cosmos apartment building owned by Fiat Canovski, leader of the opposition Party for European Future, claiming that it was a few inches above code requirements. Canovski asserted that the demolition was political retaliation for his party's having joined the opposition and financing opposition-oriented A1 Television after its accounts were frozen, allowing it to remain on the air during the election campaign. The government subsequently filed four court cases against Canovski and appointed to the case a judge who was the aunt of the minister of interior. Canovski reported difficulty in obtaining a firm to assess damages for insurance purposes (not only to his property, but to equipment belonging to the construction company as well). Canovski filed a complaint with the ECHR. On November 30, the government withdrew from parliament a draft amendment to the Construction Law, the purpose of which, according to the opposition, was to legalize the Cosmos' demolition retroactively.

Participation of Women and Minorities.—There were 38 women in the 123-seat parliament and three women in the 23-member Council of Ministers. The law requires gender diversity in each political party's candidate list; at least one in every three candidates must be of the gender opposite of the majority gender on the list. Sixty percent of judges were female. None of the country's 85 mayors was a woman.

There were 24 ethnic Albanians, four ethnic Serbs, two ethnic Vlachs, two ethnic Turks, two ethnic Roma, and three ethnic Bosniaks in parliament. There were nine members of nonmajority communities in the 23-member Council of Ministers.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, there were reports that some officials engaged in corruption with impunity. According to World Bank governance indicators, government corruption was a problem.

There were credible claims during the year that the government interfered in high-profile cases involving abuse of office or misuse of official position to coerce government officials and party members or to intimidate key opposition leaders. A number of current and former government officials faced charges of misuse of position or abuse of office, while other officials and opposition leaders reported threats that they would face such charges.

Police and judicial corruption were problems. During the year the Judicial Council removed seven judges for unprofessional and unethical conduct and initiated disciplinary action against at least eight others. Of the eight cases, three were dismissed as unfounded.

During the year retrials continued for Vasil Tupurkovski, a former deputy prime minister and director of the Agency for Reconstruction and Development, who had been convicted of corruption, and for former prime minister and former minister of defense Vlado Buckovski, who had been convicted of abuse of office.

In mid-June 2010 the Anticorruption Commission (ACC) filed misdemeanor charges against 220 public officials for failing to submit financial and conflict of interest statements. Of these, as of December 2011, 169 cases were resolved. The court sentenced 128 public officials to fines ranging between 50 and 1,000 euros

($65-1,300), and 29 public officials received reprimands. Ten officials were acquitted, and in two cases the courts dropped the charges.

Following the 2011 amendments to the anticorruption law, the term of office of the previous commission expired in the spring of 2010. In April parliament selected seven new members for the ACC. The opposition accused the ruling majority of politicizing the ACC by electing government affiliates, some of whom reportedly lacked the qualification required by law. The new ACC become operational on April 11, and Vosilav Zafirovski, a retired Ministry of Interior official, was elected president by a majority vote of the commission's members.

The ACC was responsible for investigating complaints submitted by citizens. During the year the ACC received 908 complaints—267 of which referred to citizens' allegations of corruption and/or conflict of interest in all different areas and 641 related to the June early parliamentary elections—issued opinions on 641 election-related motions, and reviewed a total of 1,357 complaints and motions, which included some from the previous year. The ACC dismissed 2,914 complaints for lack of jurisdiction and 198 complaints as unfounded. The ACC transferred one complaint to state organs for further investigation and recommended disciplinary action in three cases.

During 2010 the chairman of the ACC requested that the public prosecutor charge five current and two former mayors with violating the law on public procurement. Each mayor was involved in separate events in which public money was allegedly spent without proper tendering and open calls for bids. At year's end the prosecutor's offices dismissed two of the cases as unfounded and another one because the statute of limitations had run. Four of the cases were remained review by the Prosecutor's Office.

On October 31, ACC President Zafirovski announced the commission would request the Prosecutor's Office to press criminal charges against opposition Social Democratic Alliance of Macedonia (SDSM) and A1 Television for election campaign finance irregularities. Based on the parties' financial reports, the ACC as a loan it received from Komercijalna Bank. The ACC also found that A1 Television violated the allowed donation threshold by giving overly generous advertising discounts to some parties. In their reaction, the SDSM accused the ACC of taking a selective approach and acting as an instrument of the government. The SDSM pointed out that the ACC report stated that the Internal Macedonian Revolutionary Organization (VMRO) had a financial shortfall.

The ACC also found that the largest television broadcasters—A1, Kanal 5, and Sitel—were the largest political party election campaign donors because they granted abnormally generous advertising discounts. The ACC also found that no budgetary funds were misused for election campaign purposes.

The law provides for public access to government information. Implementation of the law lagged, especially in respect to citizens' access to court judgments and other court decisions.

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

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

Government Human Rights Bodies.—The ombudsman worked to protect citizens against infringement of their rights by public institutions, reduce discrimination against minority communities and persons with special needs, promote equitable representation in public life, and address children's rights. The ombudsman has the right to visit all detained persons and report findings to the U.N. Most of the 3,940 complaints that the ombudsman received as of early December concerned violations of judicial procedures, police abuse, police services to citizens, prisons, labor , consumer or property rights. The ombudsman reported good cooperation and communication with the government but noted that, while government responses to the ombudsman's inquiries were usually timely, they were often not substantive and at times lacked requested information.

The country's seven-member Commission for Protection from Discrimination has a mandate to review discrimination complaints, issue recommendations, and promote the implementation of the law. The commission does not have the power to punish offenders. From January until November the commission received 58 complaints and resolved 36. Twenty-two were still in process. The commission did not have a full-time staff and was located in an office that was not accessible to persons with physical disabilities. Unlike the ombudsman, the commission reviews complaints from both the public and the private sectors. However, the public was large-

ly unaware of the commission's existence. Citizens who are not satisfied with the outcome of their complaint can seek remedy in court. The written opinion of the commission is admitted as evidence. As of mid-December no case was resolved in court.

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

The constitution and law prohibit discrimination based on gender, race, disability, religion, national, social, or political affiliation, and provides for fines ranging from 400 to 1,000 euros ($520 to $1,300) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. In January the government implemented the Law on Prevention and Protection from Discrimination to protect individuals and legal entities against most forms of discrimination, including from direct and indirect discrimination based on gender, race, skin color, membership in a marginalized group, ethnicity, language, nationality, social origin, religion or religious belief, other beliefs, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health condition, or any other discrimination ground provided for by law or a ratified international agreement. Although sexual orientation is not listed in the law as a basis of discrimination, the Commission for Protection from Discrimination handled one case of discrimination on the basis of sexual orientation under the "other beliefs" category.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal. The penalties for rape range from one to 15 years' imprisonment. Due to poor enforcement of the law, the penalties did not serve as a significant deterrent. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Domestic and other violence against women was a persistent and common problem. Cultural norms, including victims' concerns over possible shame to the family, discouraged the reporting of violence against women and the filing of criminal charges. Domestic violence is illegal, but authorities rarely enforced the law in practice. Advocates reported progress in improving legal structure related to domestic violence.

There were seven limited-capacity government shelters and one NGO-operated shelter for women at risk, a national NGO-operated hotline (in Macedonian and Albanian), and two crisis centers for temporary (24- to 48-hour) shelter for victims of domestic violence. Local NGOs combating domestic violence relied largely on international donors. The government sponsored a public campaign against domestic violence that used well-known women from throughout society to raise public awareness of the problem.

A joint U.N. Development Program/Ministry of Labor and Social Policy program to provide training to improve professional skills and create opportunities for self-employment for victims of domestic violence was completed and judged successful by advocates. While the program provided payments for six months to companies that employed women who were victims of domestic violence, advocates reported that victims and companies were largely unaware of it.

Sexual Harassment.—The law prohibits sexual harassment in the workplace and provides a sentencing guideline of three months to three years in prison as punishment for violations. Sexual harassment of women in the workplace was a problem, particularly in the private sector. Authorities could prosecute sexual harassment under the law, but victims generally did not bring cases forward due to fear of publicity and possible loss of employment.

Reproductive Rights.—Couples have the right to decide freely and responsibly the number, spacing, and timing of their children and means to do so free from discrimination, coercion, and violence. Contraceptives were widely available and affordable but are not covered under the national health-care system. Obstetric and postpartum care was available at hospitals throughout the country and was accessible to expectant and new mothers either through medical coverage provided to employed persons through their employers or to unemployed persons through the national welfare systems. Women and men were equally diagnosed and treated for sexually transmitted infections. According to 2008 U.N. estimates, the maternal mortality rate in the country was nine deaths per 100,000 live births.

Discrimination.—Women have the same legal status as men under the family law, inheritance law, and in the judicial system. Advocates reported that the number of women who own property and businesses was minimal and noted some industry-specific gender discrimination. Women from the Romani community did not have equal opportunities for employment and education due to traditional or religious restrictions on their education and role in society. In some Albanian communities, the

practice of men directing voting (or voting on behalf of female family members) disenfranchised women.

Although women remained underrepresented in the higher levels of government and the private sector, there were several prominent professional women in the public sector, including the interior and culture ministers and the deputy prime minister for EU integration. Sixty percent of judges in the country were female.

The Department of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women. There were also gender equality commissions at the municipal council level.

Children.—Birth Registration.—The law determines citizenship primarily by the citizenship of the parents but allows for acquisition of citizenship by birth in the country's territory for a child found in the territory of Macedonia with unknown parents, if authorities do not discover that the parents were foreigners before the child reaches the age of 18. Births of all children born in hospitals and medical institutions were registered automatically, and the law requires that all children, including those born at home or elsewhere, be registered at magistrate offices within 15 days of birth. Some Romani families delayed registration of newborns, making it difficult for these individuals to access educational, medical, and other benefits later in life because they lacked proper identity documents.

Education.—The country's schools suffered from chronic underfunding and insufficient classroom space. Many schools offered classes in shifts, usually divided along ethnic or linguistic lines. While boys and girls generally had equal access to education, there were isolated instances of discrimination against girls in some educational institutions.

Child Abuse.—Child abuse was a problem in some areas. Child welfare advocates asserted that children were reluctant to report abuse due to fear of being institutionalized. The Center for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of Interior are responsible for addressing child abuse. Advocates and the Ombudsman's Office reported a lack of accountability with regard to cases of child neglect and abuse in orphanages, shelters, and detention centers. NGOs were also active in this area. There were reports that Roma organized their children into groups to beg for money, clean vehicle windshields, or sell small items in public places. According to the Ministry of Labor and Social Policy, approximately 630 vulnerable children received basic education classes in shelter centers. In September the government opened a transit shelter for street children. In the first few weeks, 50 children were brought to the shelter, and the majority of children were returned to their parents. The government started permanent removal proceedings for eight children. The physical size of the shelter made it difficult to provide appropriate social services to the children.

The government operated a hotline for domestic violence, including child abuse. An NGO-operated a helpline, provided an e mail address for battered or abused children, and conducted advertising campaigns aimed at children to promote the helpline.

Child Marriage.—The minimum legal age for marriage is 18. A court can issue a marriage license to persons between 16 and 18 years of age if it finds them mentally and physically fit for marriage. Child marriage occurred in the Romani community and, to a much lesser extent, in the ethnic Albanian community. It was difficult to estimate the number of child marriages because they were rarely registered.

Sexual Exploitation of Children.—Penalties for commercial sexual exploitation of children are between 10 and 15 years in prison. The minimum age for consensual sex is 16. The law prohibits child pornography, and the penalties for it are between five and 15 years in prison. Child prostitution was considered a problem, but its extent was not known.

Displaced Children.—According to 2008 data from UNICEF, there were between 500 and 1,000 street children in the country, most of them Roma. With international support, the Ministry of Labor and Social Policy operated four day centers for street children.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community estimated that 250 to 300 Jews lived in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—Persons with disabilities faced discrimination in employment, education, and access to health care and other state services. The law re-

quires persons with physical or mental disabilities to obtain approval from a medical commission of the government to serve in supervisory positions in both the private and public sectors. The law provides incentives to certain "shelter companies" to provide employment for persons with disabilities, but NGOs reported that restrictions on which companies qualified limited employment opportunities for persons with disabilities. The new antidiscrimination law, implemented in January, allows for those who allege discrimination to submit their complaints to the Commission for Protection from Discrimination.

The law requires that only new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection resulted in construction of new facilities that were not accessible. NGOs reported the situation was improving over time.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented the full integration of persons with disabilities into society.

The Ministry of Labor and Social Policy is responsible for integrating persons with disabilities into economic life and for the payment of benefits. In practice disability benefits did not cover the cost of living. Advocates indicated that employment and life-skills training programs for persons with mental and physical disabilities were very limited and did not contribute significantly to their economic integration.

National/Racial/Ethnic Minorities.—According to the 2002 census, the ethnic composition of the population was 64.2 percent Macedonian, 25.2 percent Albanian, 3.9 percent Turkish, 2.7 percent Romani, 1.8 percent Serbian, 0.8 percent Bosniak, and 0.5 percent Vlach.

Relations between the ethnic Macedonian and Albanian communities often were strained. Ethnic Albanians continued to complain of unequal representation in government ministries. Ethnic Macedonians claimed that employers targeted them for reverse discrimination in downsizing, regardless of performance. Some ethnic Albanians claimed that discrimination in citizenship decisions by the Ministry of Interior, which has authority to grant, revoke, interrupt, or confirm a person's citizenship, effectively disenfranchised them.

The law provides for protection of minority rights and integration of all sectors of society. The government has a secretariat to hold accountable those state institutions that do not comply with the strategy for equitable minority representation, but the organization lacked enforcement and sanctioning mechanisms. According to the secretariat, there were 2,500 new public administration jobs advertised and 560 new jobs offered to ethnic minorities during the year. Data from July showed that ethnic minorities accounted for approximately 24 percent of the employees of state institutions.

Minorities remained underrepresented in the military, despite improved and continued efforts to recruit qualified minority candidates. Ethnic Albanians represented 18 percent of the army, and minorities as a whole accounted for 25 percent.

The law provides for primary and secondary education in the Macedonian, Albanian, Romani, Turkish, and Serbian languages. The number of minority students who received secondary education in their native languages continued to increase, especially after secondary education became mandatory.

Ethnic Turks complained of discrimination. Their main concerns were slow progress in achieving equitable representation in government institutions, the absence of ethnic Turkish-majority municipalities, and the inadequacy of Turkish-language education and media.

Roma complained of widespread societal discrimination. NGOs and international experts reported that employers often denied Roma job opportunities, and some Roma complained of lack of access to public welfare funds. Roma NGOs also reported that proprietors occasionally denied Roma entrance to their establishments. Many Roma lacked identity cards, which are necessary to obtain government services such as education, welfare, and health care.

The government funded implementation of the national strategy for the Roma Decade, including assistance with education, housing, employment, and infrastructure development. The government also continued to fund Roma information centers that directed Roma to educational, health care, and social welfare resources. Increased NGO and government funding to eliminate barriers to education for Romani students resulted in a continued increase in school attendance rates. For the 2010-11 school year, there were 2 percent fewer Romani students enrolled in primary education and 13 percent fewer in secondary education than during the previous school year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Activists representing the rights of lesbian, gay, bisexual, and

transgender (LGBT) individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media.

Sexual orientation is not a protected category under the antidiscrimination law passed in 2010, although the Commission for Protection from Discrimination created by the law considered complaints from the LGBT community. The Ministry of Education, in response to a ruling of the Commission for Protection from Discrimination, agreed to review textbooks and withdraw parts that have negative LGBT stereotypes and prejudices.

Other Societal Violence or Discrimination.—There were isolated reports of discrimination against persons with HIV or AIDS in employment and access to health care.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right to form and join independent unions without previous authorization or excessive requirements. The law provides for the right to strike, and workers, including civil servants, exercised this right in practice. Members of the military and police are granted a restricted right to strike under a separate law. The law allows unions to operate without interference and protects the right to bargain collectively but requires that trade unions represent 20 percent of employees in the public or private sector as well as 10 percent of employers in order to negotiate collective agreements. During a strike the law allows employers to "exclude" or temporarily release up to 2 percent of workers whom they believe are potentially violent or engaged in "undemocratic activity" and are obstructing the negotiations between the workers and the employer. The law requires employers to pay the workers' benefits during the exclusion period and rehire them after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike. If authorities declare a strike illegal, employers may dismiss participants or sue them for damages. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. The government did not always enforce laws against antiunion interference.

Freedom of association and the right to collective bargaining were respected in practice. Worker organizations were independent of the government and political parties. Unions may freely register with the Central Registry of Macedonia. More than 50 percent of the legal workforce belonged to labor unions, and unions were particularly well represented in the public sector. There were two major union federations, the Confederation of Trade Unions of Macedonia (SSM) and the Confederation of Free Trade Unions (KSS). Several unions were not affiliated with either of the two confederations, including unions of journalists, police officers, farmers, financial sector workers, and health-care workers.

Most unions had collective bargaining agreements, and such agreements covered all legally employed workers for the public or private sectors. However, studies indicated that a significant number of employees in the "gray" economy were not part of the legal workforce. Estimates of the size of the gray economy were between 15 percent and 40 percent of gross domestic product.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, forced labor occurred. Romani children were especially vulnerable to human trafficking, specifically forced begging in public places, usually by family members.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, including forced or compulsory labor, and the government effectively enforced the law in practice. The law mandates a prison sentence of at least eight years for anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation.

The minimum age for employment is 15. Children who are 14 years of age can work as apprentices or as part of an official education program. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors from working nights or more than eight hours per day or 40 hours per week.

There were no official reports of illegal child labor during the year; however, there was evidence that individuals used such labor in the gray economy, primarily involving children who begged and sold cigarettes and other small items in open markets, the streets, bars, or restaurants at night. The children involved in these activities were primarily Roma and most often worked for their parents or family mem-

bers. Officials did not punish such violations, and children remained vulnerable to exploitation.

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. Government efforts to eliminate forced begging by children were largely ineffective. Although the necessary laws were in place, officials seldom implemented them.

During the year the Ministry of Labor and Social Policy funded three centers that provided education, medical, and psychological services to children who beg on the street. NGOs funded two additional centers for children in Skopje with support from the government. International donors supported programs to prevent children from begging on the street and to increase school enrollment of children at risk for such work.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—During the year a national minimum wage was established by law for the first time and was set at 8,500 denars ($177) per month. According to official statistics, the average monthly net wage in September was 20,659 denars ($430). In 2010 the government estimated that the monthly cost of basic goods, including food, gas, and transportation for a family of four, was 200 euros ($260). The government statistics office estimated that approximately 30.9 percent of the population lived in poverty in 2010.

The law establishes a 40-hour workweek with a minimum 24-hour rest period, and paid vacation and sick leave benefits. Employees may not legally work more than eight hours of overtime per week or 190 hours per year. According to the collective agreement between the government and the unions, employees in both the public and private sector have a right to overtime pay at 135 percent of their regular rate. By law collective agreements apply to all workers whether union members or not. In addition the law entitles employees who work more than 150 hours of overtime per year to a bonus of one month's salary. However, many employers hired workers without complying with the law. In particular small retail businesses often required employees to work well beyond the legal limits.

During the year the Labor Inspectorate of the Ministry of Labor and Social Policy filed complaints against several private businesses for forcing employees to work long hours without the breaks required by law and for not legally registering all employees. In the case of such violations, labor inspectors have the legal authority to close an establishment until the employer corrects the violations. In cases of repeated violations, the owners can be fined. During 2010 authorities temporarily closed more than 1,000 companies due to labor violations such as the employment of nonregistered workers. No record of the number of employers fined was available.

The Ministry of Labor and Social Policy did not strictly enforce laws and regulations on worker safety. It employed 110 labor inspectors. While workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right in practice. Over the last two years, an average of 44 workers per year lost their lives in the workplace as a result of lax or nonexistent protection measures or long hours at construction sites.

MALTA

EXECUTIVE SUMMARY

Malta is a constitutional republic and parliamentary democracy. The president is the head of state and is appointed by the unicameral parliament (House of Representatives). The president appoints as prime minister the leader of the party winning a majority of seats in parliamentary elections. General elections held in 2008 were judged free and fair. Security forces reported to civilian authorities.

The government's harsh treatment of detained irregular migrants and asylum seekers from North Africa was the most serious human rights problem during the year, with strongest criticism directed at housing conditions and inadequate government programs for integrating migrants into Maltese society.

Other significant reported problems included lengthy delays in the judicial system, which sometimes diminished individuals' access to due process; restrictions on freedom of speech and of the press; and criminal prosecution of individuals for public blasphemy. Societal problems included child abuse, trafficking in persons, and substandard work conditions for irregular migrants.

The government took steps to prosecute and punish officials who committed abuses, whether in security services or elsewhere in the government. There were no reports of impunity.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and the government generally honored these prohibitions.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers; however, reports of poor conditions in government-run detention centers for irregular migrants persisted.

As of August, the prison population of 580 inmates consisted of 446 men, 30 women, and 104 juveniles (92 men and 12 women). Of the adult prison population, 238 were foreigners, representing nearly 41 percent of the total prison population. Approximately 58 percent of these foreigners were of African descent.

Juveniles were separated from adults in most cases; however, first-time adult offenders were housed in the same building as juveniles. Authorities held pretrial detainees with convicted prisoners, albeit with those incarcerated for lesser crimes and shorter sentences. Prisoners had access to potable water.

Detainees had reasonable access to visitors and were permitted religious observance. Authorities allowed prisoners and detainees to submit uncensored complaints to judicial officials and to request investigation of credible allegations of inhumane conditions.

Authorities renovated or built new toilets and kitchens in some of the closed centers (facilities where irregular migrants were detained pending adjudication of their cases). However, a temporary surge in irregular migration during the first quarter of 2011, stemming from the Libyan crisis, led to an increase in the migrant population. In August the population in the closed centers rose to 884 persons from approximately 75 in 2010. Migrants were housed in two closed centers, with Lyster Barracks reopened due to the new influx. The total population in the open centers (where migrants reside following determination of their status) was 2,541 compared with approximately 2,000 in 2010.

The government permitted visits to its detention centers by independent human rights observers, including foreign diplomats. A report by the U.N. Working Group on Arbitrary Detention, released in January 2010, indicated that the detention regime imposed on irregular migrants arriving by sea was not in line with international human rights law. Concern continued over migrants deemed vulnerable (e.g., minors, pregnant women, and families with children). There were no notable changes in conditions during the year notwithstanding the temporary surge in migrants.

During the year the Refugee Commissioner's Office expanded the number of asylum determination officers and reduced asylum processing to less than 60 days. Migrants found ineligible for asylum or subsidiary protection status, or not otherwise deemed vulnerable because of age, sex, health, mental or other conditions were still detained in closed centers for up to 18 months. The government relocated vulnerable migrant populations and provided care appropriate to their conditions. Authorities moved migrants deemed to be minors to residential facilities and provided them needed services, such as education or training.

In August mostly West African migrants held at the Safi closed center rioted after learning that their claims for asylum had been denied. Migrants complained of being handcuffed when taken for asylum-related interviews or medical treatment outside the detention center and of the country's policy of lengthy migrant detention. Fifteen police officers, three Armed Forces of Malta soldiers, and one migrant reportedly were slightly injured. Police used tear gas and rubber bullets to quell the riot. In September the U.N. Committee on the Elimination of Racial Discrimination expressed concern about occasional riots in detention centers and reports of excessive force in countering them.

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

Role of the Police and Security Apparatus.—The national police, under the responsibility of the Ministry of Justice and Home Affairs, maintain internal security. The army falls under the direct responsibility of the Office of the Prime Minister and

is responsible for external security but also has some domestic security responsibilities.

Civilian authorities maintained effective control over the police force, the security service, and the armed forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the police force or security forces during the year.

Arrest Procedures and Treatment While in Detention.—With the exception of irregular migrants, whom authorities usually detained for two to 18 months pending adjudication of any asylum requests, an arrest warrant issued by a magistrate is necessary to detain a person for questioning and may be issued based on reasonable suspicion. Migrants receive access to legal counsel and are informed of their rights on arrival at a closed center. According to the constitution, police must either file charges or release a suspect within 48 hours; in all cases authorities must inform detainees of the grounds for their arrest. Police generally respected these requirements in practice. During the 48-hour detention period, which generally included initial interrogation by police, arrested persons were entitled to access to legal counsel prior to interrogation, but not to visits by family members. Once authorities filed charges, pretrial detainees were entitled access to counsel and family.

Authorities adjudicated applications for bail on a case-by-case basis and normally granted them in the case of citizens. The U.N. Working Group on Arbitrary Detention noted, "The rules of release on bail are not applied equally to Maltese citizens and foreigners alike." Foreign criminal defendants who insisted on their right to a trial by jury occasionally were confined for more than two years awaiting arraignment and trial.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair and public jury trial, and an independent judiciary generally enforced this right. Trials are public and defendants must specifically request jury trials. Defendants have the right to counsel of their choice or, if they cannot afford counsel, to court-appointed counsel at public expense. Defendants and their lawyers have access to government-held evidence relevant to their cases. Defendants may confront witnesses and present evidence; defendants enjoy a presumption of innocence and have the right to appeal. All citizens enjoy these rights.

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

Regional Human Rights Court Decisions.—Through November the European Court of Human Rights (ECHR) issued nine judgments involving violations by the state of obligations under the European Convention on Human Rights. Malta complied with the ECHR judgments.

Civil Judicial Procedures and Remedies.—The constitution provides for an independent and impartial court in civil matters, including for the determination of civil rights or obligations and for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Persons who have exhausted their right to appeal in the national court system could apply to bring an alleged breach of human rights covered by the European Convention on Human Rights before the ECHR. Civil and judicial procedures for the exercise of this right exist, and citizens regularly made use of them.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the government generally respected this prohibition in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law prohibits "vilification" of or "giving offense" to the Roman Catholic Apostolic Religion, the country's official church. Also illegal, but carrying a lesser punishment, is vilification of or giving offense to any "cult tolerated by law." It is a criminal offense to utter publicly any obscene or indecent words, make obscene acts or gestures, or in any other way offend public morality, propriety, or decency. From January to July, there were 119 convictions for public blasphemy, compared with 225 convictions for the same period in 2010.

The independent media were active and expressed a wide variety of views without restriction. International media operated freely, and there was no indication of reprisals against individuals for either public or private criticism of the government.

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

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

The law restricts cultural activities that publicly vilify the Catholic Church and other religions tolerated by law.

In July the parliamentary secretary for culture announced that responsibility for the censorship and classification of films, plays, and literature would move from the Ministry of Justice and Home Affairs to the Office of the Prime Minister. Censorship and classifications did not change significantly with this move.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The Libyan crisis resulted in a surge of migrant arrivals (more than 1,500) during the first three months of the year; the flow of migrants subsided in the spring and summer.

Safe Country of Origin/Transit.—As an EU member state and a member of the Schengen Zone, the country followed laws and policies established in those bodies related to safe country of origin and transit. Malta denied asylum to applicants who arrived from a country deemed a safe country of origin. In practice, asylum applicants rarely were repatriated, although they were always offered the option of voluntary return to their country of origin. Migrants not qualifying for refugee status, but coming from countries considered unsafe to return due to war or other conditions, were granted subsidiary protected status, permitting them to stay in the country on a year-to-year, renewable basis.

Nonrefoulement.—In practice the government consistently provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In addition, migrants not qualifying for refugee status, but coming from countries considered unsafe to return due to war or other conditions, were granted subsidiary protected status, permitting them to stay in the country on a year-to-year, renewable basis. In practical terms, this meant that irregular migrants were not returned to North African countries during periods of conflict there. A Maltese court awarded $13,900 to each of two Somali migrants after finding that their human rights were violated when they were returned to Libya in 2004. Following their involuntary repatriation, they both eventually returned to Malta, where they filed the complaint.

Refugee Abuse.—Authorities detained some irregular migrants, generally in closed detention centers, for up to 18 months after they arrived in the country, in instances where both their application for asylum and appeal were rejected. A new temporary humanitarian protection scheme was introduced to provide for such cases. There were 723 persons in closed centers as of October. The length of the adjudication procedure experienced by any individual asylum seeker was reportedly related to the need to establish the migrant's identity, country of origin, and other vital information, since migrants nearly always arrived without identity documents. Such migrants could file asylum claims within two months of detention; however, they remained in detention while their cases were processed.

According to the UNHCR, migrants spent an average of six months in detention in 2009. Due to a decrease in arrivals, the average detention time dropped to two months during 2010. Detainees also included persons who had not applied for asy-

lum and those whose asylum applications and appeals were rejected or were under review. Individuals awaiting decisions on their cases occasionally protested their detention or attempted to escape from detention centers. Within a matter of days (usually less than two weeks) after their initial detention, authorities usually moved "vulnerable individuals," such as children, pregnant women, elderly persons, and parents with infants, to "open centers," where they were free to come and go. Migrant children are eligible for all government social services and are assigned a caseworker to ensure that their needs are met. The armed forces are responsible for the management of the closed detention centers and report directly to the Ministry of Justice and Home Affairs, while the Agency for the Welfare of Asylum Seekers (AWAS), part of the Ministry of Justice and Home Affairs, has responsibility for the welfare and accommodation of persons transferred from detention centers to open centers. Individuals were not required to stay in open centers if they could find other accommodations. However, authorities monitored individuals to whom they provided a subsidiary protection stipend.

Authorities released all detainees whose cases were not resolved within 18 months, whether or not police had arranged to repatriate them. Authorities permitted them to remain in the country in "open centers" or in the community at large and issued them work permits. EU law prohibited them from travelling to other EU countries, and they were not eligible to bring family members to the EU. They were eligible for voluntary repatriation programs, but only a few chose to participate. There were no significant changes to this general pattern. As of year's end, there were approximately 2,541 migrants living in three open centers.

Overcrowding persisted at the country's largest migrant open-housing center in Marsa. Friable asbestos was present in one of the common areas. In other centers, high temperatures in the summer months and inadequate ventilation in tent housing and prefabricated housing units contributed to uncomfortable living conditions. In winter months tent housing had limited heating, and rain could penetrate the fabric that was not waterproof. Beneficiaries of subsidiary protection were entitled to remain in the country; move freely; receive personal identification documents, including one-year renewable residence permits; and obtain travel documents in emergencies. They could be employed; receive core social welfare benefits; seek appropriate accommodations; and benefit from integration programs, public education and training, and essential medical care. Their dependents enjoyed the same rights and benefits. However, this status does not provide for family reunification, a path to citizenship, or other benefits of refugee status. Most persons granted subsidiary protected status or other humanitarian protected status were from Somalia—3,743 overall.

Temporary Protection.—From January through December, the government provided "temporary humanitarian protection" to 318 individuals not legally entitled to asylum or subsidiary protection. The government also provided "temporary humanitarian protection" as an administrative procedure in special and extraordinary cases in which applicants were found not to be eligible for asylum or subsidiary protection but were considered to be in need of protection for special humanitarian reasons. During the year 129 persons received this protection.

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

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

Elections and Political Participation.—Recent Elections.—In 2008 the country held parliamentary elections that observers considered free and fair.

Participation of Women and Minorities.—There were six women in the 65-seat parliament and two in the 14-member Cabinet of Ministers. Approximately 13 percent of senior government officials were women, and three women held ambassadorial rank. There were two female judges and 10 female magistrates. There were no members of minorities in the government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption. Authorities pursued bribery cases involving both a former government official and members of law enforcement during the year.

There were frequent allegations in the press that the contract for the extension of the Delimara power plant was awarded to one of the competitors in a manner contrary to normal competitive bidding processes. The EU commission engaged the government on the allegation and requested an explanation of the bidding process.

The government provided its explanation to the commission in July 2010. In January the EU commission closed the investigation for lack of evidence "that Malta had violated specific EU public rules."

Government officials are subject to financial disclosure laws; the court has the right to order financial disclosure, depending on its judgment of the circumstances. The police and the Permanent Commission against Corruption were responsible for combating official corruption.

According to the Press Act, the government is to establish procedures to give representatives of the press information to help them "fulfill their public tasks." However, the government neither defined the scope of this mandate nor enacted implementing legislation. Access to government information in certain specified areas, generally dealing with matters of public interest, security, or ongoing court proceedings, was excluded from this requirement. For government activities not subject to disclosure under the Press Act, there is no legal entitlement to government-held information; nevertheless, authorities generally provided access. A freedom of information law enacted in 2008 gradually entered into force. A newly established Information and Data Protections Commission, the regulatory agency responsible for implementing the act, began issuing initial directives establishing the scope of its jurisdiction.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating human rights cases. Government officials were cooperative and generally responsive to their views. The government cooperated with U.N. and other international bodies.

Government Human Rights Bodies.—The country has an ombudsman empowered to investigate complaints about the activities of governmental bodies, including activities affecting human rights and problems involving prisoners and detainees. The ombudsman only investigates complaints when administrative or judicial remedies are not available. When the ombudsman concludes that a complaint is wholly or partly justified, he submits recommendations to the public entity responsible for undoing the harm the complainant suffered. The ombudsman has no power to force acceptance of any recommended remedy, but most recommendations were accepted. For example, of the cases investigated and concluded in 2010, 151 cases were resolved by informal action, 125 were deemed to be outside the Ombudsman's jurisdiction, and 179 were found to be justified. The president appoints the ombudsman with the consent of two-thirds of the members of parliament.

The House of Representatives' Standing Committee on Foreign and European Affairs and Standing Committee on Social Affairs have responsibilities for human rights issues. Members from both sides of the House of Representatives comprise the committee and collaborate closely on issues related to the committees' respective responsibilities. The committees normally held open hearings and their deliberations were usually a matter of public record unless a hearing was closed for security reasons. There was generally full debate on issues before the committees. Largely, the committee had a reputation for integrity and credibility, with legislation enacted in the areas under their purview enjoying widespread public support.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions in practice.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted such crimes. The crimes of rape, spousal rape, and indecent assault carry sentences of up to 10 years in prison. Rape was not perceived to be a widespread problem. However, through October, there were 15 reported cases of rape.

Also through October, the police received 725 reports of domestic violence. The law treats domestic violence as a criminal offense, and the government generally enforced the laws prohibiting it. Penalties ranged from three months to 20 years in prison. Some NGOs and victims' assistance advocates asserted that domestic violence remained underreported, primarily because of concerns by women that law enforcement personnel would not believe or protect them.

A special police unit and several voluntary organizations provided support to victims of domestic violence. A hotline existed to assist victims of abuse through counseling and shelter referrals. The government also supported victims through its Ministry for Social Policy, which held responsibility for a government-supported shelter for women and children, in operation throughout the year; the government

also provided financial support to other shelters, including one operated by the Catholic Church.

Sexual Harassment.—Sexual harassment is unlawful and punishable by a 2,329-euro ($3,028) fine, six months' imprisonment, or both.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs operated freely in disseminating information on family planning. There were no restrictions on access to contraceptives. A free and effective government health program provided for prenatal and postnatal care and delivery as well as other related medical services. A U.N. Population Fund report in 2011estimated the 2008 maternal mortality rate to be six deaths per 100,000 women. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination.—Women have the same legal rights as men, including, but not limited to, family and property law. Redress in the courts for sexual discrimination was available. The Ministry for Social Policy and the National Commission for the Promotion of Equality were responsible for gender equality. They focused on the broader integration of women into society and advising the government on the implementation of policies to promote equality of women and men. The right of divorce was introduced via a referendum held on May 28. Approved by parliament, the divorce bill went into effect on October 1.

Women constituted a growing proportion of graduates of higher education and of the workforce. Nonetheless, they remain underrepresented in management and generally earned less than their male counterparts. Figures on the wage disparity between women and men differed moderately. The National Commission for the Promotion of Equality indicated that, for 2008, men were paid 17 percent more than women in comparable jobs. The European Foundation for the Improvement of Living and Working Conditions reported in March that the hourly pay gap was 2.4 percent. According to Eurostat, between the end of 2008 and the end of 2009, the latest period for which statistics were available, the female employment rate rose from 36.3 percent to 37.2 percent, while the male employment rate decreased from 73.5 percent to 71.5 percent.

Children.—Birth Registration.—Citizenship generally is derived from one's parents, although some specific applications of the law may be complex, allowing for transmission of citizenship by a grandparent or other relative. While specific data on access to health care and education for stateless children was not available, according to the local UNHCR representative, there were no reports that education and healthcare were denied to children due to their lack of nationality.

Child Abuse.—In 2010 the Child Protection Service of Appogg, the social welfare services arm of the Ministry for Social Policy, received 1,004 referrals of possibly abused children, compared with 1,053 in 2009. The service's total case turnover for 2010 was 1,399, up from 1,194 the previous year. There were 676 new and reopened cases, down from 697 in 2009. During the year 32 individuals were arrested and charged with child abuse. Four convictions were reported from these cases, the remainder were pending adjudication.

Sexual Exploitation of Children.—Several individuals claiming that Catholic clerics had abused them consistently maintained authorities did not pursue cases of alleged sexual abuse of children by clerics unless a parent or adult filed a formal complaint. They alleged authorities instead allowed the church to handle the matter internally. Once filed, however, authorities followed the same police investigative and judicial procedures as for other such complaints. In July two priests received sentences of five and six years' imprisonment, respectively, after they were found guilty of sexually abusing boys entrusted to their care several years before. Both appealed their sentences. One of the priests was acquitted of rape due to an error in the charge sheet (specifying an inaccurate location of the alleged rape) although the judge indicated that he found the victim's evidence credible. The attorney general appealed the acquittal, and the case was pending at year's end.

Statutory rape is punishable by three to six years in prison. The minimum age of consent is 18. Rape committed by violence carries a penalty of imprisonment for three to nine years, with or without solitary confinement. Creation of child pornography is prohibited and punishable by imprisonment of one to five years (up to eight years in special circumstances). Possession of child pornography is also prohibited and punishable by imprisonment not exceeding three years.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were no reports of anti-Semitic acts during the year. The Jewish community numbered approximately 120 persons.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits both the public and private sectors from discriminating against persons with physical, sensory, intellectual and mental disabilities in employment, education, health care, physical access, access to goods and services, housing, and insurance, and the government effectively enforced these provisions. As of the end of September, the National Commission for Persons with Disabilities (NCPD), the agency responsible for enforcement of this law, was working on 158 pending discrimination complaints from previous years. During 2010-2011, the NCPD opened investigations into 126 new cases and satisfactorily concluded 64.

National/Racial/Ethnic Minorities.—The population included more than 10,000 persons of Arab, African, and East European origin. There were periodic reports in the media that owners of some bars and discos discouraged or prohibited darker-skinned persons, particularly of African or Arab origin, from entering their establishments. The government took no specific action to discourage these problems.

In March a man was discharged conditionally for two years (comparable to a suspended sentence) after being found guilty of inciting racial hatred for posting comments on a newspaper blog. In September the U.N. Committee on the Elimination of Racial Discrimination noted with concern the "discriminatory discourse and hate speech" of some Maltese politicians, as well as the "racial discourse" in certain media outlets.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The country's antidiscrimination laws regarding sexual orientation only extend to the area of employment. On May 23, an individual who underwent gender reassignment surgery and was initially granted the right to marry her partner, returned to court after the attorney general sought an injunction against an earlier court ruling, which held that the surgery did not change the reality of gender. The Appeals Court found for the attorney general. The individual subsequently took her case to the European Court of Human Rights in Strasbourg, where it remained pending at year's end.

Other Societal Violence or Discrimination.—There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution allows workers to form and join unions of their choice without previous authorization or excessive requirements, as well as to engage in collective bargaining; workers freely did so in practice. The law does not allow uniformed military and police personnel to join unions. However, employees without the right to strike or join unions participated in associations, such as the police association, through which they sought to protect their interests. The law allows unions to conduct their activities without interference, and the government protected this right in practice. Workers, with the exception of uniformed military and police personnel, have the right to strike, and during the year they exercised this right by conducting legal strikes. The labor law provides for compulsory arbitration; however, arbitration did not take place during the year.

During the year there were no reports of antiunion discrimination or other forms of employer interference in union activities. The Employment and Industrial Relations Act prohibits antiunion discrimination and provides for reinstatement of workers "unfairly dismissed," including for legal, nonviolent union activity.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children; nevertheless, there were reports that women were subjected to forced labor, including in restaurants, private households, unskilled and skilled labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and the government generally implemented these laws effectively; however, there were unverified reports that underage children worked as domestic laborers, restaurant kitchen help, or vendors, and during the summer in family-owned businesses.

The law prohibits the employment of children younger than 16. The director general of the directorate for educational services may grant an exemption for employ-

ment only after determining that it would not harm the health or normal development of the minor. Such exemptions were granted in practice. While no legal work was specifically restricted, children granted an exemption were not allowed to perform work that could be regarded as harmful, damaging, or dangerous to a young person.

The Employment Training Corporation (ETC), a government entity under the Ministry for Social Policy, is responsible for labor and employment issues. It generally enforced the law effectively in most formal sectors of the economy but allowed summer employment of underage youth in businesses operated by their families. No assessment was available of the effectiveness with which the ETC monitored the often-unregistered employment of children as domestic employees, restaurant workers, and street vendors.

d. Acceptable Conditions of Work.—The national weekly minimum wage was 153.45 euros ($199); in addition, there was an annual mandatory bonus of 270 euros ($351) and an annually adjusted cost-of-living increase of 242 euros ($315). The country's independent National Statistical Office estimated that approximately 15 percent of the population lives at or below the poverty income level of 5,961 euros ($7,749). Following consultations with workers and employers, the government established the minimum wage, which it revises annually based on changes in the cost of living.

Irregular migrant workers from Somalia, Eritrea, Sudan, and other sub-Saharan African countries, who comprised a small but unquantifiable percentage of the workforce, sometimes worked under conditions that did not meet the government's minimum standards for employment. In 2008 the General Workers' Union (GWU) issued a report documenting what it termed the "exploitation" of migrant workers. The general secretary of the GWU stated at a press conference that such workers often were employed in the most hazardous occupations, such as road construction and highway refuse cleanup, where traffic and environmental conditions posed a danger, and in the building construction trades, where accidents such as collapses might occur. In many cases migrants received less than the minimum wage. In 2008 AWAS, in coordination with the ETC, established informational programs to help individuals pursue employment and obtain work permits. The GWU and AWAS believed that the programs were beneficial, but there was no data to validate this assessment. The government operated a program called Restart II, through which irregular migrants who volunteered to leave the country could receive free rail or airfare to their country of origin, plus financial assistance. The program, funded in part by the EU, was to last until June. As of September, it had provided benefits to 24 returnees.

The standard workweek was 40 hours, but in certain occupations, such as health care providers, airport workers, and civil protection services, 43 or 45 hours was the norm. Government regulations provided for a daily rest period, normally one-hour, and one day of rest per week. Premium pay is required for overtime, excessive compulsory overtime prohibited, and workers cannot be obligated to work more than 48 hours, inclusive of overtime. The Ministry of Social Policy generally enforced these requirements effectively in the formal economy.

The Occupational Health and Safety Authority (OHSA), a government entity composed of representatives of the government, unions, and employers, conducted regular inspections at work sites and cited a number of offenders. Enforcement of health and safety standards continued to be uneven; industrial accidents remained frequent, particularly in the manufacturing, and building and construction sectors. Workers have the right to remove themselves from situations that endangered health or safety without jeopardizing their employment, and OHSA generally enforced this right.

MOLDOVA

EXECUTIVE SUMMARY

Moldova is a republic with a form of parliamentary democracy. The constitution provides for a multiparty democracy with legislative and executive branches, as well as an independent judiciary and a clear separation of powers. Legislative authority is vested in the unicameral parliament (Parliament). The Alliance for European Integration (AIE) coalition retained its parliamentary majority in November 2010 elections, which international observers stated met most Organization for Security and Cooperation in Europe (OSCE) and Council of Europe commitments. Security forces reported to civilian authorities.

The most significant human rights problem in the country during the year was government corruption, which undermined the credibility and effectiveness of police and the judiciary as well as respect for the rule of law in general. Police torture and mistreatment of persons in detention was a second major area of concern. The government also failed to make progress in holding officials accountable for killings and other abuses committed by government security forces during the 2009 crackdown on postelection demonstrations.

Other significant problems during the year included harsh and overcrowded conditions in prisons and detention centers; arbitrary detention by police; use of libel suits to harass media outlets; violence against women; trafficking in persons; discrimination against Roma; harassment of lesbian, gay, bisexual, and transgender (LGBT) individuals; limited enforcement of workers' rights; and child labor.

While authorities investigated reports of official abuse in the security services and elsewhere, officials accused of human rights violations, complicity in trafficking, or corruption were rarely successfully prosecuted and punished. Impunity was a major problem.

In 1990 separatists declared a "Transdniester Moldovan Republic" (Transnistria) in the area along the eastern border with Ukraine. A 1992 ceasefire agreement established a peacekeeping force of Moldovan, Russian, and Transnistrian units. The central government did not exercise authority in the region, and Transnistrian authorities governed through parallel administrative structures. Transnistrian authorities restricted political activity and interfered with the ability of Moldovan citizens living in Transnistria to vote in Moldovan elections. Torture, arbitrary arrests, and unlawful detentions were regularly reported. Transnistrian authorities harassed independent media and opposition lawmakers, restricted freedom of association, movement, and religion, and discriminated against Romanian speakers. In December Transnistria had an "election" that resulted in a new "president," Yevgeny Shevchuk.

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

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

The government made little progress during the year in holding officials accountable for the security force crackdown on postelection demonstrations in 2009 that resulted in three deaths. Former municipal police chief Iacob Gumenita, former minister of interior Gheorghe Papuc, and former municipal commissar Vladimir Botnari were free while under criminal investigation for negligence on duty. The trial of Gumenita, who was accused of official misconduct, was postponed 13 times, and officials denied the media access to court proceedings. On December 29, the Centru Court of Law acquitted Botnari and Papuc. Ion Perju, a police officer accused of killing protestor Valeriu Boboc, was free while under investigation for murder.

There were no reports of killings during the year in the separatist region of Transnistria. However, lack of access to information from Transnistria prevented Moldovan law enforcement officials or NGOs from tracking developments.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, police reportedly used cruel and degrading arrest and interrogation methods, and guards beat prison inmates. In the report of its visit to the country in June, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted that a significant proportion of detained individuals they interviewed complained of police ill-treatment during the months preceding the visit.

According to the parliamentary ombudsman, the frequency and severity of such acts decreased during the year compared with previous years. In the first six months of the year, the ombudsman received 150 complaints of torture, inhuman, or degrading treatment allegedly committed by governmental officials in either police stations or prisons.

Torture was rarely meaningfully punished. Antitorture prosecutors received 200 complaints of torture during the year and initiated 28 criminal investigations. Of the 11 cases against police officers that resulted in judgments, two police officers received prison sentences that were later overturned, two received suspended sentences, and seven were acquitted.

Investigators also initiated 50 cases of abuse of power. In these cases 22 police officers received suspended sentences, one was sentenced to imprisonment, and another received a fine.

An antitorture prosecutor reported that prosecutions were hampered by the fact that incidents of torture were regularly downgraded to lesser offenses, such as abuse

of power, for which the penalties are lower and the statute of limitations only three months. This allowed judges to issue suspended sentences based on the "good character" of the offending police officers or dismiss cases if the statute of limitations had expired. For example, two police officers accused of abusing journalists during 2009 events were found guilty of abuse of power but could not be punished because the statute of limitations had lapsed.

The government continued to act extremely slowly in prosecuting abuse cases arising from the security force crackdown on the 2009 postelection demonstrations. Prosecutors initiated 108 investigations of alleged police torture and other abuses connected to the events. Following those investigations, prosecutors initiated 58 criminal cases against police officers, including 28 involving torture, 20 of abuse of power, one for murder, and nine other charges. Through August, prosecutors finalized 27 cases against 44 police officers and sent them to courts; at year's end most were under examination by the courts. In the remaining cases, the investigations were either terminated because of insufficient evidence or suspended due to an inability to determine the identity of the officers involved. Two officers were given suspended sentences for torture, three received suspended sentences for abuse of power and falsification of official documents, eight were acquitted, and one was administratively sanctioned. The five convicted officers remained on the police force.

In the separatist region of Transnistria, former detainees alleged they had been subjected to torture and mistreatment in detention centers. The closed military court system regularly ignored reports of alleged hazing and abuse of conscripts in the Transnistrian "army." Reports of hazing continued.

Prison and Detention Center Conditions.—Conditions in most prisons, including those in Transnistria, remained harsh. This was particularly the case in pretrial and presentencing facilities; overcrowding remained a significant problem.

At year's end the total number of prisoners and pretrial detainees was 6,476 with 4,000 inmates in prisons and 2,476 individuals in pretrial detention centers. There were 33 juveniles serving terms in prison. There were 290 women detained at the Rusca penitentiary for women at the end of the year. The country lowered its target maximum prison capacity to 5,310 and its target maximum pretrial detention center capacity to 2,670.

The ombudsman reported that overcrowding in unventilated spaces, lack of timely access to health care, and poor sanitation continued to be the norm in most of the country's prisons. Cell sizes did not conform to local law or international standards. According to the government's 2011 plan for financing penal institutions, detainees were provided meals worth 10.35 lei (less than $1) per day. In all prisons the ombudsman noted poor relations between prison officials and prisoners.

Reporting on its June visit to Moldova, the CPT expressed concern about the behavior of staff at penitentiaries No. 11 in Balti and No. 17 in Rezina towards prisoners segregated for their own safety. Alleged beatings of inmates by other prisoners belonging to an informal hierarchy within the prison population were another subject of concern.

According to the ombudsman's 2011 report on the National Antitorture Mechanism, pretrial facilities, located mostly in the basements of police stations, generally lacked access to natural light, and artificial light was described as mediocre or poor. In some facilities ventilation systems were nonexistent. A number of pretrial facilities also lacked toilets and sewage systems, and in many cases reliable sources of potable water. Inmates at the Chisinau General Police Station complained of a high degree of parasite infestation. According to the ombudsman, sleeping conditions were inadequate, with detainees provided insufficient or dirty linens. The government did not fulfill its pledge to close the isolation cells in Penitentiary No. 13, which a U.N. Children's Fund (UNICEF) ambassador identified as particularly inhumane during a 2010 inspection. On June 15, Minister of Justice Oleg Efrim fired the director of the Penitentiary Department, Vadim Cojocaru, citing procedural violations in his appointment. Several media outlets reported serious irregularities in the penitentiary facilities.

According to the Prosecutor General's Office, one of the problems faced by detainees was the lack of psychologists in penitentiaries. Only four out of the 17 existing penitentiaries had specialists who could provide psychological counseling to the inmates. Five percent of inmates were prone to suicide or self-mutilation. Six detainees committed suicide during the year, and there were 500 reported cases of self-mutilation.

Prisoners and detainees were generally permitted religious observance. On January 25, the Ministry of Justice concluded a cooperation agreement with the Moldovan Orthodox Church. The protocol established a two-year religious assistance program for Moldovan penitentiaries, whereby the church sent military chaplains

for individual confessions of penitentiary employees and detainees, as well as for religious services.

According to government regulations, individuals suspected or suffering from tuberculosis were to be held separately from the other detainees. However, persons with various diseases were often colocated with persons with an unconfirmed diagnosis of tuberculosis, potentially exposing them to infection. A March 2010 CPT report noted World Health Organization procedures for screening tuberculosis patients and isolating them from the other inmates were adequately implemented in the two prisons visited by the CPT. However, the CPT maintained that in Penitentiary No. 12 in Bender the radiology facility was inadequately separated from cells, potentially exposing inmates in the surrounding cells to radiation.

The 2011 CPT report observed that during its mission to Moldova, various detainees indicated they were familiar with the National Antitorture Mechanism and the ability to file an official complaint if their rights were violated but that detention center personnel often discouraged detainees from doing so, claiming it was not in their best interest to complain.

According to the Center for Human Rights and the Moldovan Institute for Human Rights, complaints received from prisoners and detainees did not show evidence of censorship by prison authorities.

The main alternative sentence used in the country is a conditional suspension of the sentence, the equivalent of probation. This sentence is available for juveniles and adults alike, on condition that the crime is not serious and the offender has no prior convictions. Probation is for a fixed term of between one and five years. This penalty was frequently applied inappropriately; for example, one-third of the human traffickers convicted in 2010 received suspended sentences. Other alternative sentences include community service and fines. Community service may not be imposed on convicted juveniles below age 16.

Authorities made some improvements to prisons and detention centers. The Department of Penitentiaries reported that in the first six months of the year approximately 60,000 lei ($5,000) was allocated for renovation of Penitentiary No. 13 in Chisinau. Other penitentiaries also underwent minor renovations. During its 2010 mission to Moldova, the CPT noted that the General Police Directorate had sought the Council of Europe's expertise to repair and equip pretrial detention facilities, and several facilities were undergoing renovation. Notwithstanding the renovations, the CPT observed that conditions were still inadequate for long term detentions.

The government permitted independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to interview inmates in private. The government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners in accordance with the ICRC's standard practices.

During the year the parliamentary ombudsman intensified preventive visits to police stations and other institutions subordinate to the ministries of interior, defense, justice, and health in order to monitor the situation in these institutions regarding the torture of inmates and patients. In the first six months of the year, 115 such visits took place, compared with 126 visits in 2010. Based on these visits, the ombudsman issued seven official complaints to the Ministry of Justice and the Prosecutor General's Office, and two criminal cases were initiated against police officers.

Civil society representatives complained of the difficulty in gaining access to Transnistrian detention facilities. Moldovan lawyers were denied access to clients in Transnistrian prisons unless accompanied by a local Transnistrian attorney. Conditions in those facilities were grave, particularly in the Tiraspol prison. Sick and contagious prisoners shared quarters with healthy ones. During the year prisoners in Transnistria reportedly undertook hunger strikes but gained no concessions from authorities.

Police mistreatment of detainees remained a major problem in Transnistria. Police transferring prisoners between facilities packed them in poorly ventilated vans, often holding them in such conditions for hours. Prisoners with diseases, such as tuberculosis, were routinely held with healthy prisoners and were not provided appropriate health care.

The human rights NGO Promo-LEX Association reported a number of cases of degrading and humiliating treatment in Transnistrian prisons. In 2008 Transnistrian militia arrested Vitalie Reznicenco on suspicion of homicide and detained him for two years in allegedly inhuman conditions in Tiraspol prisons, where he contracted pleurisy but was not provided medical care. A Grigoriopol court subsequently sentenced him to eight years' imprisonment. On June 6, Reznicenco died in the medical facility of Prison No. 3 in Tiraspol. His mother was not granted access and was told her son died of drug poisoning.

d. Arbitrary Arrest or Detention.—While the law prohibits arbitrary arrest and detention, authorities did not observe these prohibitions in practice.

A parliamentary ombudsman employed by the government regularly visited detention sites, including police stations and detention rooms at psychiatric hospitals. The ombudsman found that many of those arrested were not registered in logbooks. Most of the individuals detained at police stations were arrested for petty crimes, insulting police, or for document checks, despite carrying valid documents.

In Transnistria there were reports that authorities engaged in the arbitrary arrest and detention of individuals with impunity.

In April 2010 Transnistrian authorities arrested local journalist Ernest Vardanean and Transnistrian tax official Ilie Cazac on charges of espionage. On a number of occasions, the OSCE, diplomatic missions, and other international organizations expressed concern that the two were denied the right to choose their own legal counsel, be represented by counsel of their choice at pretrial detention hearings, or contact their families. In November 2010 the Transnistrian newspaper Novaya Gazeta quoted a letter from Stella Surkichan, Cazac's mother. She maintained that during the arrest officers planted papers and a flash drive on her son, who was severely beaten and subsequently forced to sign the papers, and that he was questioned for 10 to 15 hours without food, water, or access to a toilet and threatened by long jail terms and reprisals against his family. Ilie Cazac sent two letters requesting a pardon to the Transnistrian "president" in August and was allegedly beaten after sending the first. Transnistrian "president" Igor Smirnov pardoned Vardanean on May 5 and Cazac on October 31.

Role of the Police and Security Apparatus.—The national police force is the primary law enforcement body. It is subdivided into regional and city police commissariats, which are subordinate to the Ministry of Interior. During the year the Ministry of Interior completed the first phase of a reform process that included equipping forensic labs with up-to-date equipment and installing video and GPS equipment in police patrol cars. The reforms were intended to address the problems of abuse, corruption, and impunity, but they were not immediately effective.

The Division to Combat Torture within the Prosecutor General's Office handled cases of alleged torture by security forces. Under the system, four prosecutors conducted criminal investigations of torture cases at the national level. The institutionalization of specialized antitorture prosecutors was intended to reduce the incidence of torture due to the continuous monitoring exercised by the prosecutors. According to the parliamentary ombudsman, moderate progress was achieved.

During its 2011 assessment visit, the CPT found that police torture and other forms of ill-treatment, in particular during police interrogation, remained a serious issue. Antitorture prosecutors faced a shortage of resources, being unable to call on either consultants or a specialised corps of independent operational support staff. In addition the prosecution services they worked for were generally materially dependent on the police, which put them in a difficult position when it came to questioning the conduct of police officers.

Torture remained a serious problem in Moldova's prisons, which were difficult to monitor. In some cases, the ill-treatment was inflicted, according to the prisoners, during "fake" cell searches, the sole purpose of which was apparently to subject a particular prisoner to ill-treatment.

The ombudsman's report on the National Antitorture Mechanism, established pursuant to the Optional Protocol to the Convention on the Prevention of Torture, stated that authorities with the power to investigate allegations of police abuse at times failed to do so in timely fashion. For example, in 2010 an inmate at the No. 13 Penitentiary in Chisinau lodged an official complaint with the prosecutor after allegedly being beaten by a police officer. The prosecutor issued an order for a medical examination of the inmate's injuries, but the penitentiary's medical personnel waited 11 days before examining him and another 15 days before writing their report, severely hampering the investigation of the claim. Despite an official request from the ombudsman, the Department of Penitentiaries refused to initiate an investigation into the misconduct of its personnel.

The ombudsman reported that prosecutors repeatedly failed to properly investigate and prosecute cases of torture recorded by the Moldovan Center for Human Rights. Of eight cases sent to the prosecutors, only three were investigated and only one resulted in a prison sentence.

Arrest Procedures and Treatment While in Detention.—The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees why they were arrested and describe the charges against them. Suspects may be detained without charge for 72 hours. In the report of its 2010 mission to Moldova, the CPT noted that while authorities generally respected the 72-

hour limit on detention, the three-hour limit prescribed by law for the record of the arrest to be signed and communicated to the detainee was often disregarded, with the document signed as late as 14 hours after the arrest.

Once charged, a detainee may be released pending trial. The law provides for bail, but it was rarely utilized and the system did not function well. Authorities generally did not authorize bail for detainees accused of violent or serious crimes.

Detainees have the right to a defense attorney, but at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after being detained. Police often told individuals they were witnesses in a case, questioned them without a lawyer present, and subsequently detained them as suspects. Detainees were often informed of the charges against them without a lawyer being present. The government required the local bar association to provide representation to indigent defendants but did not reimburse lawyers for legal fees. Consequently, poor defendants often did not have adequate counsel.

The CPT report noted that individuals in pretrial detention were at times denied their right to a phone call. While authorities asserted that this was done to prevent them from intimidating victims or witnesses, the practice was arbitrary and without justification or limits. The CPT also noted receiving information about the deprivation of pretrial detainees of the right to family visits.

Pretrial Detention.—The law permits pretrial detention for up to 30 days. The courts may extend pretrial detention for up to 12 months, depending on the severity of the charges. Pretrial detentions lasting several months were common.

In Transnistria, detentions cannot exceed 18 months during pretrial criminal investigations and six months during the trial period. In practice these terms were not observed. Officially 762 people were detained in pretrial detention units in Transnistria during the year, although unofficial sources maintained the number may have reached 1,000. The Transnistrian detention system also includes temporary pretrial detention units subordinated to the local "interior ministry." The number of detainees in these facilities was unknown. Promo-LEX Association reported many detainees were held for more than six months without a court hearing. During 2009-2011 Promo-LEX Association received more than 100 complaints of unreasonable extension of pretrial detention. For example, one detainee had been held in Pretrial Detention Unit No. 2 in Tiraspol for five years without trial. Relatives were often unable to visit detainees or deliver food packages.

Amnesty.—The government generally granted amnesty to individuals sentenced to less than four years in prison; as a result, such persons often served no jail time for their offenses.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, there were reported instances of government officials failing to respect judicial independence in practice. Official pressure on judges and corruption remained serious problems. There continued to be credible reports that local prosecutors and judges sought bribes in return for reducing charges or sentences, and observers asserted that in many cases judges faced political influence. Political factors also played a role in the reappointment of judges. According to Freedom House, judges were appointed and promoted based on subjective and nontransparent factors. Younger judges, with initial five-year appointments, were particularly vulnerable to influence by the executive branch.

According to the 2011 EU progress report, the judicial system suffered from a number of endemic problems, including inadequate efforts to fight corruption; reform the judiciary, prosecution, and police; and implement certain human rights commitments, particularly reforms and mandatory training related to the judiciary.

The country has a judicial code of ethics as well as inspector judges, responsible for investigating and reporting cases of judicial misconduct or ethics breaches to the Supreme Council of Magistrates. Inspector judges referred 69 cases against judges during the year. The council issued warnings to six judges. No judge was dismissed or investigated on corruption charges. High state officials stated that a number of judges compromised justice.

Judges continued to hold hearings related to the 2009 postelection police abuses in their chambers that were closed to the public. According to the Moldovan Institute for Human Rights (IDOM), in 39 percent of the cases IDOM monitored between April and July, the hearings took place in the judge's office. Previously IDOM reported that almost 50 percent of such hearings were held in chambers. Courts also failed to publicize hearings. In cases where multiple victims were assisted by multiple attorneys, there was insufficient space for all parties to participate in the hearings held in the judge's chambers. A third of the cases were repeatedly postponed.

According to the American Bar Association's (ABA) 2009 Judicial Reform Index, the establishment of a judicial administration department within the Ministry of

Justice constituted an attempt by the executive branch to exert control over the judiciary's finances. The ABA also described the Judicial Administration Department as understaffed, ineffective, and lacking the capacity to oversee adequately the administration of the judiciary.

Prosecutors have discretion to close cases before they reach trial for lack of sufficient evidence, but the injured party may appeal this decision to an investigative judge. This discretion gives prosecutors considerable influence over the judicial process, and NGOs asserted that political influence continued to play a role in some prosecutions.

During the year the judiciary system underwent reforms intended to increase society's trust in the judiciary by strengthening the system and combating corruption. The reforms focused on increasing transparency, establishing severe measures against corruption, clearly delineating powers and competencies among judicial institutions, and eliminating institutions deemed superfluous. Parliament adopted the Law on the Justice Reform Strategy for 2011-2016 on November 25.

The military court system, which operated independently of the civilian courts, also suffered from corruption and inefficiency. The jurisdiction of military courts extends to crimes committed by active duty, reserve, and retired military personnel. Military courts had the capacity to try civilians for crimes committed against military personnel. On July 22, Parliament adopted a law to abolish specialized courts, including economic and military courts. The competencies of the military court in Chisinau were transferred to the courts of law of general jurisdiction.

Trial Procedures.—The law provides that defendants in criminal cases are presumed innocent; however, in practice, this presumption had little effect. On some occasions, judges' remarks jeopardized the presumption of innocence. NGOs expressed concern that the practice of keeping defendants in handcuffs and metal cages during court proceedings went beyond what was necessary to secure public order and failed to ensure the presumption of innocence.

Cases are presented to a judge or to a panel of judges. Defendants have the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an attorney to indigent defendants. The practice of appointing temporary defense lawyers without allowing them to prepare adequately was common and infringed upon the right to legal assistance. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients, but they generally allowed defense attorneys access to the evidence. The law provides a right to appeal convictions to a higher court.

In the final report of the OSCE trial monitoring program implemented in 2006-2009, the OSCE noted that proceedings were often not open to the public, court facilities were inadequate, and a large number of judges, prosecutors, and defense lawyers failed to treat victims and witnesses with respect. Conditions have not changed substantially since the issuance of this report.

During the year there were cases reported of Transnistrian authorities disregarding trial procedures and defendants in Transnistria being denied access to a fair trial (see section 1.d.).

Political Prisoners and Detainees.—In Transnistria on July 27, the secret services arrested Ghenadie Kuzmicev, division chief at the Transnistrian "Ministry of Interior," on suspicion of "intimidating a witness" in a criminal case. Kuzmicev began a hunger strike on July 28. His case was kept secret, and his lawyer did not have access to case records. Kuzmicev was detained in allegedly inhuman conditions. He was released on the eve of the December "presidential" elections in Transnistria.

Regional Human Rights Court Decisions.—As of December there were 4,250 applications against Moldova pending at the European Court of Human Rights (ECHR). During the year the Court issued 31 judgments awarding 370,000 euros ($481,000) to individuals for violation of their rights. Most human rights infringements referred to inhuman or degrading treatment, nonenforcement of court decisions, and violation of property rights.

According to the local NGO Lawyers for Human Rights, during the year national authorities became significantly more likely to execute ECHR decisions and pay court-ordered awards; the 2011 EU progress report assessed the country's execution of ECHR judgments as "improved." However, court orders affecting district-level governments and municipalities frequently remained unexecuted.

In June the Constitutional Court rejected amendments to the law on the status of judges that would have held Moldovan magistrates accountable for ECHR rulings against the country. The court held that ambiguous wording in the law could have resulted in punishment in cases where judges were not at fault.

Civil Judicial Procedures and Remedies.—The law allows citizens to seek damages in civil courts for human rights violations. Under the constitution, the government

is liable when authorities violate a person's rights by administrative means, fail to reply in a timely manner to an application for relief, or commit misconduct during prosecution. Judgments awarded in such cases were often small and not enforced. Once all avenues for a remedy in the country's courts had been exhausted, individuals could appeal cases involving the state's alleged violation of rights provided under the European Convention on Human Rights to the ECHR.

NGOs reported that, while courts were somewhat more open to hearing allegations of torture than in previous years, victims still frequently lacked access to effective judicial remedies. At times courts declined to hear their complaints, and long delays in the legal process caused some petitioners to abandon their claims. Victims carried the burden of proving they had been mistreated, which was difficult, since prisoners often remained in detention for months before having access to courts. By the time they appeared in court, the physical evidence of abuse had disappeared.

A mediation law establishes an alternative mechanism for voluntarily resolving civil and criminal cases and sets forth rules for professional mediators. However, the country lacked an implementation mechanism.

Property Restitution.—While the law provides for the restitution of property and compensation for victims of political repression, the government often failed to provide funds to the commissions established to receive these petitions. Applicants must prove a direct causal connection between political repression and the seizure of their properties to receive restitution.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, the government did not respect these prohibitions in practice.

Law enforcement authorities, including the Ministry of Interior, prosecutors, the Prosecutor General's Office, and the Security and Intelligence Service, continued to conduct illegal searches and wiretaps. The Security and Intelligence Service is the only institution legally empowered to conduct wiretaps, including those requested by prosecutors or police. Judges may authorize legal wiretaps only in the course of investigating a serious crime. In 2009 the ECHR ruled that the country's criminal procedure law failed to provide a clear and detailed interpretation of reasonable suspicion required to authorize a wiretap. The ECHR also noted that the law neither contains safeguards against the overuse of wiretaps nor provides adequate protection against the abuse of power by the government due to wiretapping. Courts continued to accept illegally obtained evidence.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and the press; however, these rights were not always respected in practice. Individuals could criticize the government publicly and privately without reprisal. According to the 2011 Freedom House report, the country's press freedom improved significantly since 2009.

In Transnistria authorities greatly limited freedom of speech and the press, with alternative viewpoints subject to censorship. It was difficult to register, maintain, and finance independent newspapers, radio stations, or television stations in Transnistria, although several continued to exist. Most newspapers from the rest of Moldova did not circulate widely in Transnistria, although they were available in Tiraspol.

Freedom of Press.—The law prohibits the editing and publication of literature that contains "denial and defamation of the state and the people; calls for war or aggression; calls to ethnic, racial, or religious hatred; [or] incitement of discrimination, territorial separatism, or public violence."

While the print media expressed diverse political views and commentary, a number of the newspapers were owned or subsidized by political figures and expressed well-defined political views. The government owned the Moldpress News Agency, and local and city governments subsidized approximately 22 newspapers, in most cases influencing their reporting. Political parties and professional organizations also published newspapers.

In Transnistria both of the region's major newspapers, Pridnestrovie and Dnestrovskaya Pravda, were official publications of the separatist administration. Separatist authorities harassed other, small, independent newspapers for publishing reports critical of the regime. Transnistrian authorities controlled the majority of television and radio stations in the region and largely dictated editorial policies and financial operations.

Transnistria's largest commercial entity, Sheriff Enterprises, owned some broadcast networks, such as the TSV television station and the INTER-FM radio station. The company also effectively controlled the Obnovlenie (Renewal) Party, which held

a majority of seats in the region's legislature. Transnistrian authorities operated the other major television station, Transnistrian Moldovan Republic Television. While these outlets on occasion expressed alternative views on social and economic policy, Transnistrian authorities sharply criticized any mention of compromise with the central government or any questioning of the Transnistrian goal of "independence."

Observers noted that the public broadcaster (Teleradio Moldova) maintained its balanced coverage during the year and avoided bias in favor of the authorities, which was a practice before 2009.

Violence and Harassment.—Political parties and other public institutions restricted media access to some public events. For example, in January media were not allowed to attend the Democratic Party's annual gathering of regional leaders, the security staff of the Democratic Party denied a journalist access to a public event celebrating Prosecutors' Day, and several media outlets were not allowed to attend a press briefing held by a political leader. On July 29, representatives of the Slavonic University's administration physically assaulted Jurnal TV journalist Oleg Brega, who tried to enter the institution to complete an investigative report. NGOs strongly criticized the assault. The journalist appealed to the court, and a criminal investigation was opened that was pending at the year's end.

On June 24, after several warnings the Audiovisual Coordinating Council (ACC) suspended the license of the procommunist television station NIT for five days for bias during the local election campaign and for violating election legislation. NIT immediately appealed the decision, and continued broadcasting while its appeal was examined. NIT and the communists characterized the ACC decision as government pressure on opposition media.

Censorship or Content Restriction.—In many cases journalists practiced self-censorship to avoid conflicts with the sponsors or owners of their media outlets.

Libel Laws/National Security.—Lawsuits by government officials during the year had a chilling effect on the willingness of the media to report corruption and other potentially sensitive subjects. Some newspapers practiced self-censorship and avoided controversial issues out of concern that government officials and other public figures could use civil defamation laws to retaliate against critical news reports.

In April the minister of transportation sued the Unimedia news portal and the Timpul newspaper after they published a Moldavian Airlines press release accusing the minister of involvement in various fraudulent schemes. The case was pending at year's end.

On August 1, a Chisinau court issued a ruling and fined Ziarul de Garda 500,000 lei (approximately $42,000) for defamation in the case of two prosecutors from Glodeni, named in a Ziarul de Garda article about judicial corruption. International organizations and media NGOs expressed concern over the ruling. Former minister of justice Alexandru Tanase stated that the judge in the case could be dismissed for unprofessional conduct. Ziarul de Garda appealed the ruling to the Court of Appeals, which affirmed the ruling but determined that the fine would be decreased to 20,000 lei ($1,700). Ziarul de Garda's appeal of this decision was pending at year's end.

Publishing Restrictions.—In Transnistria authorities controlled all printing houses and at times threatened to stop the printing of independent newspapers, including one based in Bender and another in the northern city of Ribnita.

Internet Freedom.—There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or chat rooms. In contrast with previous years, the government did not issue any letters threatening to suspend domain names for expression of political views.

While there were no reports that the government attempted to collect personally identifiable information in connection with individuals' peaceful expression of political, religious, or ideological opinion, the opposition Communist Party (PCRM) complained that the Liberal Democratic Party (PLDM) used personally identifiable data to send personalized election campaign materials to voters.

It was rumored that the Transnistrian authorities monitored the Internet, but the extent of monitoring was unknown. There were no reports of Transnistrian authorities restricting access to e-mail or chat rooms.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—While the law provides for freedom of assembly, at times authorities limited this right in practice. According to the NGO GENDERDOC-M, the government denied LGBT individuals permission to hold small gay pride events, notwithstanding the law on assemblies, which allows organized rallies involving fewer than 50 participants with-

out a special permit. To avoid confrontations with police or private individuals that occurred at LGBT rallies in previous years, during the year the LGBT community organized its pride parade events in private clubs or rented halls with limited and controlled access. The Ministry of Interior reported 14,000 non-LGBT related public assemblies in during the year.

Transnistrian authorities severely restricted freedom of assembly and rarely issued requisite permits for public protests. On those occasions when they issued such permits, authorities often harassed organizers and participants and required demonstrations to take place in obscure locations away from city centers. Permits for demonstrations and public meetings were issued predominantly to organizations and groups loyal to authorities.

Freedom of Association.—The constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations. However, the constitution prohibits organizations "engaged in fighting against political pluralism, the principles of the rule of law, or the sovereignty and independence or territorial integrity" of the country.

In Transnistria authorities severely restricted freedom of association. Separatist authorities granted the legal right of association only to those they recognized as citizens of Transnistria. All nongovernmental activities had to be coordinated with local authorities. Groups that did not comply faced harassment, including visits from security officials. Organizations favoring reintegration with the rest of Moldova were strictly prohibited.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

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

Transnistrian authorities at times restricted travel of Transnistrian residents and other Moldovans to and from the separatist region. Transnistrian authorities often stopped and searched vehicles traveling between the region and the area controlled by the central government. According to the local Helsinki Committee, delays of up to two hours at Transnistrian checkpoints occasionally occurred, as did arbitrary fines and seizures of goods from persons entering or exiting the region.

Short-term visitors to Transnistria from government-controlled areas were permitted to remain for 10 hours. A longer stay required an official letter of invitation and registration at a local passport office. Transnistrian authorities allowed farmers from government-controlled villages in the Dubasari region of Transnistria to travel to areas outside Transnistria to sell their produce. On a number of occasions during the year, Transnistrian authorities denied Western diplomats stationed in Chisinau entry into the region for routine visits but at other times allowed them entry. In late December the newly elected Transnistrian "leader" signed a decree intended to ease travel procedures for Transnistrian residents only.

Emigration and Repatriation.—Although citizens generally were able to depart from and return to the country freely, there were some limitations on emigration. Before individuals are allowed to emigrate, the law requires that they satisfy all outstanding financial obligations to other persons or legal entities. This requirement was not strictly enforced in practice. The law also provides that close relatives who are financially dependent on a potential emigrant must give their concurrence before the emigrant is allowed to depart the country; this law was also not enforced in practice.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. There were 148 refugees and 81 asylum seekers in the country during the year.

Access to Employment.—According to the UNHCR, asylum seekers and refugees have the legal right to work in the country. Jointly with the Moldovan Bureau for Migration and Asylum, the UNHCR in March initiated a program to assist refugees and asylum seekers with housing, employment, and social integration.

Stateless Persons.—Citizenship may be acquired by birth in the country, inheritance from parents, adoption, recovery, naturalization, or on the basis of certain international agreements. The law grants citizenship to persons who resided in the historical regions of Bessarabia, Northern Bucovina, the Herta region, and the terri-

tory of the Moldovan Autonomous Soviet Socialist Republic prior to June 1940 as well as their descendants.

As of December there were 2,073 stateless persons (1,213 women and 860 men) registered. The largest numbers of stateless persons were ethnic Ukrainians, Russians, Romanians, and Turks. Of this total, 1,598 resided in Transnistria. According to the UNHCR, stateless persons enjoyed equal rights in terms of employment and education but frequently were prevented from applying for citizenship because they lacked certificates showing they had no criminal records.

While the law allows a stateless person who has resided legally in the country for eight years to seek citizenship, the UNHCR was unsuccessful in assisting such persons to obtain citizenship during the year. Residence permits for a period of up to one year are issued to stateless persons temporarily residing in the country at a cost of approximately 640 lei ($53).

In line with the country's EU integration commitments, during the year Moldova joined the U.N. Convention relating to the Status of Stateless Persons, making it easier for stateless persons to register and obtain Moldovan identification documents.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections based on universal suffrage.

Elections and Political Participation.—Recent Elections.—According to international observers, the parliamentary elections held in November 2010 met most OSCE and Council of Europe commitments. No parliamentary coalition garnered enough seats to elect a president; therefore, the election of the president remained unresolved. On September 20, the Constitutional Court affirmed that the constitutional requirement of a three-fifths majority to elect a president could not be altered, except by a constitutional amendment. The first attempt to elect a president on November 18 was postponed due to the lack of candidates. The next attempt on December 16 failed and was later declared invalid by the Constitutional Court because the members of parliament showed their marked ballots to the press before casting their supposedly secret votes. Consequently, the election of the president remained a pending issue, and the speaker of the parliament served as acting president during the year.

In the June local elections held throughout the country, international observers from the OSCE Office for Democratic Institutions and Human Rights and the Council of Europe's Congress of Local and Regional Authorities concluded that the elections largely met OSCE and Council of Europe commitments. Nonetheless, observers noted that legal, administrative and regulatory problems remained unresolved. The OSCE election observation mission noted that mechanisms for the oversight of political financing were insufficiently developed, lacked precision, and were inadequately enforced.

The Civic Coalition for Free and Fair elections, which also observed the elections, noted some deficiencies, including changes to the electoral code that were made after elections were announced. In addition, the coalition asserted that delays in introducing a centralized electronic voter register meant that voter lists were prepared by local authorities, raising concerns about their accuracy. Unclear residency requirements for determining the proper place of voting also complicated the election. Promo-LEX Association observers noted reports of isolated cases of violence and intimidation (22 cases), use of hate speech directed at opponents (13 cases), misuse of administrative resources (42 cases), and electoral gift-giving (99 cases).

In Transnistria authorities interfered with the right of Moldovan citizens to vote in Moldovan elections. As in previous years, the Central Electoral Commission in Chisinau failed to open a polling station in Corjova village for the June 5 local elections. Corjova was technically under the central government's authority but was effectively controlled by Transnistrian authorities. Transnistrian militia initially blocked the exit from Corjova on the morning of June 5, but later allowed voters from Corjova to travel to nearby Cocieri, where they voted. Voters from Corjova were intimidated during both the June 5 elections and runoff elections on June 19.

The Transnistria region conducted two rounds of "presidential elections" in December. Consequently, after 20 years of the Smirnov regime, Transnistrian residents selected a new leader, former supreme soviet chairman Yevgeny Shevchuk, who won a landslide victory with 73.88 percent of the votes.

Participation of Women and Minorities.—There were 20 women in the 101-seat parliament elected in November 2010. Members of ethnic Russian, Ukrainian, Bul-

garian, Azeri, Jewish, and Gagauz communities had representation in parliament alongside members of the majority Moldovan/ethnic Romanian community.

Section 4. Official Corruption and Government Transparency

Corruption remained a major problem for the country. While the law provides criminal penalties for official corruption, the government did not implement these laws effectively. Government interference and corruption with the application of laws and regulations impaired the impartiality of the courts.

Police corruption remained a serious problem. According to prosecutors, the Ministry of Interior ignored, or only superficially examined, reports of police corruption.

Corruption reportedly took place at all levels of government from low-level functionaries to government ministers. According to the Freedom House Nations in Transit report during the year, lack of progress in adequately addressing bribery and fraud in the governmental sphere and wider society left the country's corruption rating unchanged since 2006. NGOs and international organizations both noted a high level of corruption in a broad range of institutions.

The head of the Center to Combat Economic Crimes and Corruption (CCECC), Viorel Chetraru, publicly stated in July that his institution was subject to political pressure and advocated making law enforcement independent from political influence. Chetraru alleged that his deputy directors followed orders from the political parties that nominated them for their positions and regularly provided damaging information about political opponents. Chetraru also stated the investigation of judges in corruption cases was extremely difficult because officers were required to inform the Supreme Council of Magistrates before starting a criminal investigation. There were at least two cases in which the judges under suspicion for corruption were forewarned by their colleagues on the Supreme Council of Magistrates and thus able to avoid prosecution. Corruption in the educational system also remained a problem.

The law provides free public access to official information; however, the government did not fully implement the law. Court decisions ordering release of information were not implemented fully or in a timely manner. In order to improve implementation of the transparency law, the government amended the regulations related to consultation and access to information several times during the year.

To increase transparency and efficiency, the government created a consultative mechanism with civil society, the National Council for Participation, which included some of the most active NGOs in the country. Members of the council held regular meetings and offered recommendations on various government decisions; however, the extent to which its views were taken into account was unclear. In April the government's Electronic Governing Center launched a Web site to publicize its efforts to increase transparency and facilitate the access of media and the public to government data.

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

Domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases. Government agencies were frequently cooperative and responsive to their views.

In Transnistria authorities continued to impede activities of human rights groups. For example, "immigration" officials frequently blocked entry into the region by representatives of Moldovan NGOs attempting to meet local human rights groups. Transnistrian authorities also continued to control and intimidate NGOs by inviting their representatives to meetings in the presence of security officials and pressuring landlords not to renew their leases for office space. Transnistrian authorities required representatives of Moldovan NGOs wishing to operate in Transnistria to register locally as separate organizations.

Rodica Pascari, leader of an NGO in Ribnita, reported continuous harassment by the Tiraspol secret services in response to her NGO's activities. Pascari was reportedly threatened with arrest if she did not stop her activities.

Government Human Rights Bodies.—The law provides for four parliamentary ombudsmen who make up the independent Moldovan Human Rights Center (MHRC). Parliament appoints the ombudsmen to examine claims of human rights violations, advise parliament on human rights problems, submit legislation to the Constitutional Court for review, and oversee MHRC operations. MHRC personnel provided training for lawyers and journalists, visited prisons and psychiatric hospitals, made recommendations on legislation, and organized roundtable discussions. Parliament also had a separate standing committee for Human Rights and Interethnic Relations.

Between January and July, the MHRC received 860 complaints of human rights abuses, including 194 that concerned free access to justice, 147 involving violations of personal security and dignity, 81 regarding the right to free access to information, 80 concerning the right to social assistance and protection, 49 involving the right to private property, 76 involving interference with the right to family life and the right to health, and 29 involving the right to work. Fewer complaints concerned personal freedom, education, citizenship matters, freedom of movement, and electoral rights.

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

The law prohibits discrimination based on race, gender, disability, ethnicity, or social status; however, the government did not always enforce these prohibitions effectively.

Women.—Rape and Domestic Violence.—The law criminalizes rape or forcible sexual assault, and penalties range from three years to life in prison. The law also criminalizes spousal rape.

Rape remained a problem, but there were no specific government activities to combat rape. During the year prosecutors initiated 260 criminal cases of rape, which represented 19 percent fewer cases than in 2010. Of these, 56 were dismissed and 124 were forwarded to courts for trial. NGOs maintained that many rapes remained unreported.

The law defines domestic violence as a criminal offense, provides for the punishment of perpetrators, defines mechanisms for obtaining restraining orders against abusive individuals, and extends protection to unmarried individuals and children of unmarried individuals. Seventeen individuals convicted of family violence offenses were serving sentences in penitentiaries. The maximum punishment for family violence offenses is 15 years' imprisonment. There were reportedly 340 cases of family violence during the year.

The law provides that an abuser may be excluded from lodgings shared with the victim, regardless of who owns the property. The law also provides for psychiatric evaluation and counseling, forbids abusers from approaching victims either at home or at a place of business, and restricts child visitation rights pending a criminal investigation. Courts may apply such protective measures for a period of three months and can extend them upon the victim's request or following repeated acts of violence.

Real progress in protecting women and children against domestic violence was slow. According to various NGOs and UNICEF, the issuance of protective orders and the effectiveness of their implementation were heavily dependent on the attitude of the authorities. There were numerous reports that police officers were not diligent in ensuring either proper protection of victims or proper execution of the measures prescribed by the orders.

On March 16, Lilia Eremia, from the village of Valcinet in northern Moldova, filed a complaint with the ECHR against the government, accusing it of inhumane treatment and gender discrimination in access to police protection. Eremia had requested a protection order for herself and her two daughters, which, although issued, was allegedly not enforced by police; subsequent requests for protection addressed to the Prosecutor General's Office and the Ministry of Interior were unanswered, allegedly because the abuser was a police officer.

According to NGOs, problems with the protection of victims of domestic violence included delays in issuing protective orders, improper enforcement of protective orders by police, and excessive reliance by authorities on NGOs to publicize available remedies and assist victims in requesting protection. NGOs expressed concern that the prosecutor general was insufficiently proactive in combating indifferent attitudes towards domestic violence among police, prosecutors, and social workers.

The law also provides for cooperation between government and civil society organizations, establishes the protection of the victim as a human rights principle, and allows third parties to file complaints on behalf of victims. According to a 2009 report by the local NGO La Strada, there were no government standards regarding the quality of victim support services or for the identification, assessment, or monitoring of domestic violence cases.

A 2010 study by the Joint U.N. Program on HIV/AIDS found that 51.3 percent of women in a relationship had experienced psychological abuse in their lifetime. A total of 24.2 percent had experienced physical violence, and 10.3 percent had experienced it in the previous 12 months. Slightly more than 12 percent had experienced sexual violence (7.1 percent in the preceding year). Rural women experienced violence in significantly higher proportions than urban women, and younger women (roughly under 30) experienced more emotional and sexual violence than older women.

Victims of domestic violence generally suffered in silence, as the problem received little recognition from government or society as a whole. Surveys indicated that only 11.2 percent of domestic violence victims sought medical assistance, only 12.2 percent reported the abuse to the police, 6.3 percent pursued claims through the justice system, and 5.1 percent reported abuse to other municipal authorities. NGOs asserted that one reason women rarely reported domestic violence to authorities stemmed from the weakness of available legal remedies, which commonly consisted of fines and brief detentions for convicted abusers. After their release from detention, abusers commonly returned to their homes and continued the abuse. Fines often had the effect of significantly reducing the overall household budget, further harming the wives and children of abusers. Victims of domestic violence were also reluctant to come forward because of frequent economic dependence on their abusers, particularly if the family had children.

According to the Ministry of Interior, between January and July, authorities registered 310 cases of crimes against family and children. Women's groups asserted that incidents of spousal abuse were significantly underreported.

The government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to instruct the public and law enforcement officials on how to address the problem. The city of Chisinau operated a women's shelter for domestic violence victims. Private organizations operated services for abused spouses, including a hotline for battered women. Access to such assistance remained difficult for some.

The NGO La Strada operated a hotline to report domestic violence, offered victims psychological and legal aid, and provided victims with options for follow-up assistance. During the first nine months of the year, the hotline received 716 calls related to domestic violence, 333 calls were from victims seeking assistance, and the rest from neighbors, relatives, community groups, and professionals; five calls from abusers were also reported. Despite the hotline's success, La Strada representatives noted that few victims requested follow-up assistance, and in only 40 cases did the victims ultimately receive either counseling or a protective order.

In Transnistria the law does not prohibit violence against women, and domestic violence was a serious problem although the extent was difficult to estimate. According to a study during the year, 35.7 percent of women in Transnistria experienced physical domestic violence, 22 percent were beaten by their current husband/partner, 10.7 percent were beaten publicly, and 5.2 percent were sexually abused by their partner.

Sexual Harassment.—Sexual harassment remained a common problem. The law provides criminal penalties for sexual harassment ranging from a fine to a maximum of two years' imprisonment. The law prohibits sexual advances that affect a person's dignity or create an unpleasant, hostile, degrading, or humiliating environment in a workplace or educational institution. However, there were no reports that authorities conducted any criminal investigations or prosecutions under this provision of the law.

Reproductive Rights.—Couples and individuals could decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. The government adopted laws and implemented policies to ensure free obstetric and postpartum care to all citizens. Mandatory government medical insurance covered all expenses related to pregnancy, birth, and postpartum care. During pregnancy the government provided essential medicines free of charge. Most medical institutions, both state and private, had free booklets and leaflets about family planning and contraception. IDOM reported instances of discrimination against HIV-positive women, as well as the disclosure of their status by medical personnel. Six cases of maternal mortality were registered during the year. In four cases, the women did not avail themselves of government-provided prenatal care.

There were no reports of Romani women being denied obstetrical, childbirth, or postpartum care. However, many Romani women failed to take advantage of free government-administered medical care during pregnancy. There was no reliable information on their access to contraception.

Discrimination.—The law provides for gender equality. The National Bureau of Statistics reported that women experienced higher levels of employment than men. According to one foreign government-sponsored assessment during the year, women's earnings were 73.3 percent those of men, and the earnings gap persisted even in economic sectors in which women predominated.

In some cases, especially in rural areas, women encountered attitudes and stereotypes that perpetuated the subordinate position of women in the family and in society.

Children.—Birth Registration.—Citizenship may be acquired by birth in the country, inheritance from parents, adoption, recovery, naturalization, or on the basis of certain international agreements. Registration of birth is free of charge for all citizens. Civil registration offices within maternity hospitals issued birth certificates before the mother and newborn were discharged from the hospital. Registration offices issue birth certificates for all births, including home births. NGOs noted the lack of registration certificates for a number of children, especially in the rural areas, including in the Romani families. According to the Ministry of Labor, Social Protection, and Family, it was the parents' responsibility to register their children's births.

Education.—While primary education was free and compulsory until the ninth grade, many inadequately funded schools, particularly in rural areas, charged parents for school supplies and textbooks. Although not illegal, such fees contradicted the government's policies and resulted in some parents keeping their children home. Government and local authorities provided 300 lei ($29) for school supplies annually to children from vulnerable families.

Romani NGO Vocea Romilor reported that more than 2,000 Romani children were unable to attend school due to poverty. According to the Romani NGO Ograda Noastra, approximately 50 percent of Romani children attended school, but the group acknowledged that such estimates were often unreliable.

Child Abuse.—The law prohibits child neglect and specific forms of abuse, such as forced begging; however, child abuse was believed to be widespread. During the year law enforcement agencies opened 576 cases of crimes against family and children, compared with 197 cases opened in 2010, including 24 cases of trafficking of children compared to 23 cases in 2010, and 13 cases of illegally taking a child out of country compared to 11 cases in 2010. A special unit for minors and human rights was responsible for ensuring that cases involving child victims or child offenders were handled with specialized expertise and attention. According to UNICEF, however, the section faced organizational difficulties, as its investigations and prosecutions often overlapped with those of other sections, thus creating conflicts of competencies.

According to the Ministry of Labor, Social Protection, and Family, inadequate victims' services, lack of reliable methods to track cases, and insufficient legal mechanisms to prevent such abuse or to provide special protection to victims hampered efforts to protect children from abuse. According to the ministry, more than 25 percent of minors reported being beaten by their parents, and 15 percent said they lacked food and care. Approximately 10 percent of parents admitted to abusing their children emotionally or physically.

Child Marriage.—There were no official statistics regarding child marriages, but they were believed to be rare.

Sexual Exploitation of Children.—The Prosecutor General's Office was responsible for investigating and prosecuting child sexual abuse cases. Commercial sex with minors is punished as statutory rape. The minimum age for consensual sex is 16 years. The law prohibits production, distribution, broadcasting, import, export, sale, exchange, use, or possession of child pornography, and violators face one to three years' imprisonment.

During the year there were reported cases of child prostitution. An international pedophile ring was uncovered in Chisinau and its leaders—an Italian and a Norwegian—were prosecuted in March. The first responder to receive a distress call from a victim's grandmother, the NGO La Strada, offered support to the victims. According to La Strada, authorities handled the case well, and the victims were not forced to confront their abusers directly or subjected to repeated interrogation and were allowed to be accompanied by a psychologist in court. However, in August an independent journalistic investigation discovered that one of the former pedophile victims had reorganized the ring and continued to recruit young boys for sexual exploitation. Police and prosecutors pursued this investigation.

Due to inadequate laws dealing with cybercrimes, crimes such as the grooming of a child for future exploitation or bullying via the Internet were not properly investigated or prosecuted, leaving children exposed to cyber-abuse that at times led to abuse in the real world.

Institutionalized Children.—Conditions for children in orphanages and other institutions generally remained very poor. Major problems included inadequate food, "warehousing" of children, lack of heat in winter, and disease. NGOs estimated that approximately 25 percent of the children in orphanages had one or two living parents but had been abandoned when their parents left the country in search of employment. Children abandoned by parents often lived in poverty and were particularly vulnerable to trafficking and labor exploitation. UNICEF estimated that 50 percent of the children who were institutionalized had disabilities.

Various government ministries ran orphanages and boarding schools. The Ministry of Labor, Social Protection, and Family maintained two boarding schools for 675 children with disabilities and three asylums providing temporary (to one year) shelter, counseling, and other assistance to up to 110 children from socially vulnerable families. The Ministry of Education oversaw 53 boarding schools with 5,813 students. The ministry reported that 35 percent of these children were orphans or had been abandoned. The other 65 percent came from socially vulnerable families whose parents could not maintain even basic living conditions.

During the year the Ministry of Education announced that the number of children in residential institutions had dropped by 40 percent since 2007, following implementation of a National Action Plan for the Reform of the Residential Care System for Children.

International Child Abductions.—Moldova is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—Moldova's Jewish community numbered between 15,000 and 25,000, including 2,600 living in Transnistria. Jewish community representatives did not report any violent anti-Semitic incidents during the year.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to public facilities, health care, or the provision of other state services, but the law was rarely enforced.

During the year the government adopted a strategy and action plan on the social inclusion of persons with disabilities. In July the Ministry of Labor, Social Protection and Family presented a roadmap designed to improve social inclusion of persons with disabilities. Under the roadmap and with financial support from international donors, the ministry undertook a number of actions, including bringing the legislative framework in line with EU standards, reforming the residential system, deinstitutionalizing children with disabilities and placing them with foster families, building community houses, and improving skills of social workers.

There were approximately 176,000 persons with disabilities, including 16,000 children, in the country, a large number of whom often faced discrimination, social exclusion, poverty, unemployment, and lack of access to public services.

Official regulations mandate access to buildings for persons with disabilities, and most government buildings provided such access. While many newly built or reconstructed private buildings were accessible, older buildings often were not. The government provided few resources to train those with disabilities. The Social Assistance Division in the Ministry of Labor, Social Protection, and Family and the National Labor Force Agency were responsible for protecting the rights of individuals with disabilities.

In 2010 authorities approved a framework regulation on organization, operation, and quality standards of "community houses" for persons with mental disabilities. Such community houses were designed and established to take the place of boarding facilities for children with mental disabilities.

There were 9,500 persons nationwide with visual impairments, of whom 3,500 were fully blind. Ballots were not available in Braille. Voters unable to complete a ballot on their own have the right to ask another person to help them vote, although this jeopardized their right to a secret ballot. During the November 2010 parliamentary election, authorities tested a new method of direct, secret voting for persons with visual impairments at one Chisinau polling station.

In Transnistria, children with disabilities and special educational requirements rarely attended school and lacked access to specialized resources.

Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs requiring specific health standards), in practice many employers either failed to accommodate or avoided employing such persons.

National/Racial/Ethnic Minorities.—Roma continued to be subject to social marginalization and societal discrimination and often lacked proper access to education and other government services. While the government adopted a Roma Action Plan for 2011-2015, in practice its social inclusion policy did not target Roma. According to the 2004 census, there were 12,271 Roma in Moldova. However, Romani NGOs estimate this number to be as high as 250,000, including 100,000 persons of voting age. NGOs asserted that government census forms allowed persons to identify with only one ethnic group and that many Roma declined to identify themselves as Roma.

A 2011 U.N. report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the country noted that the Roma Action Plan was primarily a medium for cultural events. Roma policy was supervised by the Bureau on Interethnic Relations, a Soviet-era institution which focused primarily on cultural events, hosting roundtables and conferences but lacking the authority to exercise oversight of ministries with regard to social inclusion.

The literacy level of the Roma was well below the national average. Officially 25 percent of Roma could not read or write. Romani NGOs estimated that 80 percent of Romani children were illiterate. Many Romani children—estimated to be as high as 50 percent—did not attend school. Very few Roma received a secondary education, and only 4 percent of Roma had a higher education degree, compared with 38 percent of non-Roma.

The reasons for school nonattendance by Romani children included the lack of financial means to buy clothing and books for school; unofficial school fees required for repairs, supplies, and other school expenses; and the discrimination that Romani children faced when attending school. According to Romani families, their children were subject to hazing and discrimination from both fellow students and teachers. The government did not provide education in the Romani language.

Surveys indicated that 30 percent of Roma in Moldova lived in housing in a high state of disrepair, as opposed to 7 percent for the general population.

Other concerns with respect to the Roma included denial of emergency health care services to Roma in secluded Romani settlements, unfair or arbitrary treatment by health practitioners, a gap between Roma and non-Roma in rates of coverage by health insurance, and discrimination against Roma in the job market. There were no Roma in elected office and an extremely limited number worked in any capacity in public administration. The Ministry of Labor, Social Protection, and Family opposed regarding Roma as a vulnerable group for the purpose of social inclusion policy.

In Transnistria, authorities continued to discriminate against Romanian speakers. While the use of the Latin alphabet is forbidden by the Transnistrian "constitution," and reading/writing in the Latin script is punishable by a fine of approximately 480 lei ($40.50), the extent of enforcement of this rule was unknown. However, as part of the 1992 ceasefire agreement, Transnistrian authorities allowed eight Latin-script Romanian-language schools (five high schools and three elementary schools) under the Moldovan Ministry of Education to operate in Transnistria. Approximately 7,700 children in the region attended these eight schools. According to media reports, Transnistrian authorities claimed—without presenting evidence—that the figure was much lower and that attendance levels dropped in recent years.

Students and teachers from Grigoriopol commuted daily to the Romanian script school Stefan cel Mare's temporary premises in Dorotcaia. Aside from the difficult commute, since the start of the school year, Transnistrian authorities regularly stopped buses with teachers and 200 pupils at the "border" for lengthy identification checks, resulting in delays in the school program and stress to children and staff.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law does not prohibit discrimination against sexual minorities, and governmental and societal discrimination based on sexual orientation and gender identity continued during the year. According to the gay rights NGO GENDERDOC-M, lack of community recognition, negative media portrayals, and condemnation by the Moldovan Orthodox Church often led to social ostracism of Lesbian, Gay, Bisexual, and Transsexual (LGBT) persons and their families.

The Moldovan Orthodox Church strongly opposed amending the antidiscrimination law to include LGBT persons as a protected class. The Association of Orthodox Organizations, religious groups, and NGOs rallied throughout the year in Chisinau and other cities in Moldova to protest against adoption of the antidiscrimination bill, withdrawn in March by the Ministry of Justice for further review and consultations.

In addition to regular bans on public LGBT gatherings, civil society organizations reported other discriminatory practices, such as regular harassment of LGBT individuals by police and border authorities, the inability of transgender or transsexual persons to change personal documents during or following gender reassignment, and employment discrimination. A 2011 survey indicated that 40 percent of LGBT individuals were reluctant to speak openly with doctors because of their discriminatory attitude and behavior.

On February 14, the Nondiscrimination Coalition, supported by Amnesty International, organized a flash mob in downtown Chisinau. Gay, lesbian, and heterosexual couples kissed and waved St. Valentine's Day cards with the text, "Love can be different." In response a number of organizations declared their discontent with the event, which one group characterized as having "directly attacked the fundamental values of the Moldovan society." Noua Dreapta (the New Right) published

an open letter requesting public apologies from Amnesty International and the Nondiscrimination Coalition.

While authorities allowed individuals to change their names (for example, from a male name to a female name), the government did not allow persons to change the gender listed on their identity cards or passports.

In Transnistria consensual same-sex activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

Other Societal Violence or Discrimination.—NGOs including IDOM, the League of People living with HIV, the Regional Center for Community Policies, and New Life reported that persons living with HIV continued to face frequent societal and official discrimination, particularly from medical workers.

While various laws enshrine patient confidentiality as an inherent right and prohibit the unauthorized disclosure of personal medical information, NGOs reported numerous cases of an individual's HIV status being disclosed by physicians or nurses. Such instances occurred primarily in rural areas and smaller communities with relatively few patients. No measures were taken to prevent such abuses. Disclosure of a person's HIV status often resulted in the individual's children being ostracized in kindergartens and schools, and employers found reasons for dismissal. Patients whose HIV status had been disclosed publicly avoided taking action against medical workers for fear of further discrimination. In one case of a husband of a deceased HIV-positive woman, the wife's HIV status was disclosed by medical personnel after her death from tuberculosis. Once her HIV status became public knowledge in their village, the husband and his young son were ostracized, and they were forced to leave the village.

The government requires persons immigrating into the country to have a health certificate with the results of an HIV test. In three cases during the year, the Ministry of Interior's Bureau of Asylum and Migration refused to issue immigration certificates to HIV-positive individuals because they allegedly suffered diseases presenting a danger to public health.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers the right to form and join independent unions and conduct their activities without government interference. The law also provides for collective bargaining and the right to organize but forbids police and members of the armed forces from joining unions. The law provides for the right to strike, except for government workers and workers in essential services such as law enforcement. Health-care providers and public utility employees are not allowed to strike during duty hours. Political strikes are prohibited. Compulsory arbitration may be imposed at the request of only one party to the conflict.

The law does not provide sanctions for violations of freedom of association or stipulate penalties for violating trade union rights. The law prohibits antiunion discrimination but does not provide for the reinstatement of workers fired for antiunion activity. According to the Prosecutor General's Office, thus far there were no cases reported of criminal investigations initiated by prosecutors for infringement of the right to organize and bargain collectively.

The right to bargain and the right to organize were not always respected in practice, and unions could acquire legal status only if they were members of national, sectoral, or intersectoral organizations. Labor organizations reported that labor inspectorates and prosecutors' offices failed to monitor and enforce the right to organize effectively. Prosecutors may reject appeals by trade unions alleging antiunion behavior, and alleged violations of the trade union law remained unpunished during the year. Workers exercised the right to strike by conducting legal strikes during the year.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, with exceptions. The law and a government decision allow central and local authorities, as well as military bodies, to mobilize the adult population under certain conditions, such as national disasters, and to employ such labor to develop the national economy. The government did not invoke this provision during the year.

Men, women, and children were trafficked for forced labor, although the number of cases has reportedly declined. Also see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law sets standards for child labor, including the minimum age for employment, hours of work, and working conditions, and prohibits the worst forms of child labor. However, these protections were not effectively enforced, and child labor was a problem.

Parents who owned or worked on farms often sent children to work in fields or to find other work.

According to a UNICEF study of working children, 18.3 percent of children fell into the category of child laborers, 63 percent of these were between five and 14 years of age, with 91 percent from rural areas.

Farms and agricultural cooperatives reportedly signed contracts with school directors to allow students to work during the harvest high season. While children were paid for the work, they were pressured to participate. On several occasions during the autumn harvest in the southern regions of the country, the ombudsman responsible for children investigated allegations of children working in fields and vineyards and identified and returned children to their schools, threatening school authorities with fines. During inspections between January and November, the Labor Inspectorate Office (LIO) identified 222 persons under the age of 18 working for 27 economic entities, including 68 children under the age of 17. As a result of inspections, 46 children were recommended for removal from forms of labor prohibited for minors, including several forms of agricultural activities. In 16 of the aforementioned cases, LIO initiated the administrative procedure and sent the case file to court. Of the 16 cases, four were terminated by the court and one case was ongoing. As part of the convictions obtained in 11 cases, the economic agents were sanctioned with fines.

According to the National Federation of Employees in Agriculture and Food Industry, school attendance in rural areas declined by 20 percent during the harvest season, with children forced to lift heavy weights and deal with hazardous chemicals.

The minimum age for unrestricted employment is 18. Juveniles between the ages of 16 and 18 are permitted to work under special conditions, including shorter workdays, but are prohibited from night, weekend, or holiday shifts and are not permitted to work overtime. Fifteen-year-old children may work only with written permission from a parent or guardian.

Children were reportedly trafficked within and outside the country for labor, and begging. The Prosecutor General's Office prosecuted six cases of trafficking of children for labor exploitation during the year, five cases of forced labor and one case of begging. All cases were ongoing in the courts. Girls were mostly trafficked to Turkey, Russia, Cyprus, and the United Arab Emirates; boys were trafficked to work in the construction, agriculture, and service sectors of Russia and the region. NGOs suspected that only a small number of cases of human trafficking were officially registered and assisted. The actual number of victims was unknown. The law provides for 10 to 15 years' imprisonment for persons engaging children in the worst forms of child labor, and under aggravated circumstances the sentence could be life imprisonment.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The minimum monthly wage for the private sector of the economy was amended in February 2010 and set at 1,100 lei ($94) per month. The amount was established after lengthy negotiations with unions and company owners. During the year trade unions unsuccessfully petitioned the government to increase the minimum monthly wage to 1,500 lei ($128) and adjust it to the minimum subsistence level. The minimum monthly wage for the public sector was set by the government in June at 700 lei ($60) per month. In November the National Bureau of Statistics reported that the average monthly salary was 3,231 lei ($275). The average salary in the public sector was 2,905 lei ($245), and in the production sector 3,383 lei ($285). According to official data, the minimum subsistence level was 1,471 lei ($125) in the first quarter, 1,503 lei ($126.79) in the second, and 1,386 lei ($116.92) in the third. According to the most recent data released by Prime Minister Filat, the percentage of the population below the absolute poverty line was 21.9 percent in 2010, which was 4.4 percent lower than 2009. According to official statistics, some 46 percent of the population lived on less than the minimum subsistence level. Unions maintain that 760,000 residents receive wages or pensions under the minimum subsistence level.

The law sets the maximum workweek at 40 hours with extra compensation for overtime and provides for at least one day off per week. The law prohibits excessive compulsory overtime. LIO field visits led to the sanctioning of violators when discovered, but staff and funding deficiencies limited the frequency of such visits. While the country had few foreign or migrant workers, the law gives them equal status to domestic workers.

A thriving informal economy and black market accounted for a significant portion of the country's economic activity. Union representatives believed that the shadow

economy employed approximately 30 to 40 percent of the workforce. Informal economy workers did not have the same legal protections as formal employees.

Under the labor code, work contracts are required for all employment. Registration of contracts with local officials is required, and the copies are sent to the local labor inspectorate. Through June the LIO reported 360 persons employed at 99 enterprises without such contracts. There were no reports of such contracts offered in the agricultural sector, and the central government did not have a mechanism to monitor compliance with the requirement.

The government is required to establish and monitor safety standards in the workplace, and the LIO was responsible for enforcing health and safety standards. During the first six months of the year, the LIO performed 3,326 inspections, 1,625 of which were health and safety inspections and 1,701 in the field of labor relations/legislation. The LIO inspected 2,600 companies employing 117,000 persons. It documented 40,662 infringements, including 21,924 of health and safety standards and 18,738 of labor legislation.

Poor economic conditions led enterprises to economize on safety equipment and provide inadequate attention to worker safety. LIO representatives noted severe financial and legal constraints on inspectors' activities, ranging from lack of Internet access, training, and fuel for inspectors to a system of incentives that drives employers to pay minimal fines for violations rather than address underlying problems. In 2010 there were 569 labor injuries reported. From January to June, there were 200 labor injuries reported that resulted in 29 extremely severe injuries and eight deaths.

MONACO

EXECUTIVE SUMMARY

The Principality of Monaco is a constitutional monarchy in which the sovereign prince plays the leading governmental role. The prince appoints the government consisting of a minister of state and five counselors. The prince shares the country's legislative power with the popularly elected 24-member National Council. In 2008 the country held multiparty elections for the National Council that were considered free and fair. Security forces reported to civilian authorities.

There were no reports of widespread or systemic human rights abuses.

The electoral system allows citizens to change many aspects of their government, but there is no constitutional provision to allow the citizens to change the monarchical nature of the government.

The government punished officials who committed abuses.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—The country's one detention center/penitentiary generally met international standards, and the government permitted monitoring by independent human rights observers. Non-Monegasques sentenced to long prison terms generally were sent to France to serve their terms. As of September 2009, the most recent data available, there were 23 prisoners and detainees in Monaco. Of these, 10 were juveniles, and four were women. The detention center had a capacity of 81 persons. The prisoners had access to potable water in both the detention center and the prison.

Prisoners and detainees had access to visitors. However, the U.N. Committee against Torture observed that there is no mechanism with France to ensure visitation rights for prisoners convicted by a Monegasque court and imprisoned in France. Prisoners were permitted religious observance and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police and the Carabiniers du Prince, a ceremonial

military unit that guards the prince's palace. The government has effective mechanisms to investigate and punish abuse and corruption. However, in February the European Commission against Racism and Intolerance (ECRI) reported that the General Inspectorate of Police worked under the instructions of the Directorate General of Public Safety and lacked the necessary independence to investigate complaints of human rights violations by police. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—Arrest warrants are required, except when a suspect is arrested while committing an offense. The detainee must appear before an investigating magistrate within 24 hours to be informed of the charges against him and of his rights under the law. Most detainees were released without bail, but the investigating magistrate may order detention on grounds that the suspect might flee or interfere with the investigation of the case. Monaco and France worked cooperatively to return any fugitive who fled Monaco into France. The investigating magistrate may extend the initial two-month detention for additional two-month periods indefinitely. Detainees generally had prompt access to a lawyer, and the state provided one to indigent defendants. The investigating magistrate customarily permitted family members to see detainees.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The laws provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Except for those involving minors, trials are public and usually held before a judge or tribunal of judges. In cases where the potential punishment exceeds 10 years' imprisonment, a panel of professional and lay judges hears the case. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if needed when defendants face serious criminal charges. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their defense. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have a right to appeal.

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

Regional Human Rights Court Decisions.—The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). During the year the court made no rulings involving Monaco.

Civil Judicial Procedures and Remedies.—The country has an independent and impartial judiciary in civil matters, and residents have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Plaintiffs may appeal rulings to the ECHR. Plaintiffs regularly use available administrative remedies to seek redress for alleged wrongs.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—*Status of Freedom of Speech and Press.*—The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice.

Freedom of Speech.—The penal code prohibits public "denunciations" of the ruling family and provides for punishment of six months' to five years' imprisonment. The media followed the law in practice. No one was charged with violating these statutes during the year.

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

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

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

c. Freedom of Religion.—See the Department's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

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

Protection of Refugees.—Access to Asylum.—In June the U.N. Committee against Torture noted that the granting of refugee status in the country is subject to approval by the French Office for the Protection of Refugees and Stateless Persons. Monaco is not a refugee-receiving country.

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

The authority to change the government and to initiate laws rests solely with the prince. The constitution can be revised by common agreement between the prince and the elected National Council.

Elections and Political Participation.—Recent Elections.—The 2008 National Council elections were considered free and fair.

Participation of Women and Minorities.—There were six women in the 24-member National Council and two women in the seven-member Crown Council. One government counselor was a woman. There were no members of minorities in the government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of governmental corruption alleged during the year but no formal proceedings against government officials for corruption. Public officials are not subject to financial disclosure laws.

The law provides for public access to government information, and the government provided access in practice for citizens and noncitizens, including foreign media.

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

While the government did not restrict the establishment or operation of groups devoted to monitoring human rights, none existed in the country during the year.

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

The constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents (including inviolability of the home). The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it.

Women.—Rape, including spousal rape, is a criminal offense. There were no arrests or prosecutions for any form of rape during the year.

Spousal abuse is prohibited by law, and victims may bring criminal charges against abusive spouses. Reports of violence against women were rare.

Sexual harassment is illegal. There were no reports of sexual harassment during the year.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Easy access to contraception, skilled attendance during childbirth, diagnosis, and treatment for sexually transmitted infections, including HIV, were accessible to both women and men.

Discrimination.—Although the law provides for the equality of men and women, no institution has a mandate to monitor gender inequalities. Women were well represented in the professions but less well in business and finance. While no data was available, observers believed that there was a small and gradually diminishing gender pay discrepancy.

Children.—Birth Registration.—Citizenship may be transmitted by a Monegasque parent. The government registers births immediately.

Child Abuse.—Child abuse was generally not thought to be a serious problem. The government sponsored public service programs against child abuse, and the country's helpline service provided a means of reporting and addressing child abuse.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community numbers approximately 1,000 persons. There were no reports of anti-Semitic societal acts.

Trafficking in Persons.—During the year there were no confirmed reports that persons were trafficked to, from, or within Monaco.

Persons With Disabilities.—The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions. The government has enacted and effectively implemented laws ensuring access to public buildings for persons with disabilities, and the country has a handicapped-equipped beach. According to government statistics, the Social Welfare Services provided assistance to approximately 2 percent of minors (persons under 18) who were considered either to have disabilities or to be in danger.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There were no reports of acts against persons based on their sexual orientation or gender identity.

Other Societal Violence or Discrimination.—There were no reports of violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—By law workers are free to form and join independent trade unions of their choice. Non-Monegasque workers, who constituted approximately 97 percent of the workforce, have the right to join unions; however, the ECRI noted restrictions on the eligibility of workers who are neither Monegasque nor French to sit in the bureaus of trade union federations. The constitution and law provide for the right to strike. Government workers may not strike. Failure to respect this right is punishable by a fine or imprisonment from three months to a year. Collective bargaining is protected by law. Antiunion discrimination is prohibited. Union representatives may be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. The law provides for the free exercise of union activity.

Workers exercised these rights in practice. Strike actions were infrequent. Employer organizations and trade unions negotiated agreements on working conditions.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment is 16 years. Those employing children under that age may be subject to a fine under criminal law. Employment between the ages of 16 and 18 is subject to severely restricted conditions. The government effectively enforced the child labor law.

d. Acceptable Conditions of Work.—The legal minimum wage for full-time work is the French minimum wage, 9.00 euros per hour ($11.64), plus a 5-percent adjustment to compensate for the travel costs of the three quarters of the workforce who commute daily. Most workers received more than the minimum wage.

The legal workweek is 39 hours. The government allows companies to reduce the workweek to 35 hours if they so choose, but this option was rarely chosen. Regulations provide for a minimum number of rest periods and premium pay for overtime.

Law and government decree fix health and safety standards, which workplace health and safety committees and the government labor inspectors enforced. There were no reports of labor law violations. The Department of Employment (Ministry for Health and Social Affairs) had several labor inspectors, but the number was unknown. The chief inspector answers directly to the director of the labor department. Labor inspectors inform employers and employees of all matters related to labor laws, and health and safety standards, reconcile—when possible—parties involved in disputes; and carry out onsite inspections to make sure all requirements of the above are respected in practice.

MONTENEGRO

EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic. Both the president and the unicameral parliament (the Assembly) are popularly elected. The president nominates, and the Assembly approves, the prime minister. According to international observers, Assembly elections held in 2009 met international standards but underscored the need for further democratic development. Security forces reported to civilian authorities.

One of the most important human rights problems facing the country was the mistreatment of refugees and other persons displaced as a consequence of conflicts in the 1990s and the absence of a resolution of their legal status. Another was societal discrimination based on gender, sexual orientation, ethnicity, age, and disability. Corruption continued to be a serious problem, despite some improvements in the government's battle against it. It was fostered by extensive cronyism and nepotism, weak controls over conflicts of interest, and the failure of the executive and judicial branches to identify and prosecute corrupt high-ranking officials.

Other human rights problems included police mistreatment of suspects under arrest; substandard prison conditions; lengthy pretrial detention and protracted and inefficient trials; inadequate independence of the judiciary; physical attacks on journalists and politicization of the media that weakened the effectiveness of the press; denial of public access to information; domestic and other violence against women; child marriage among the Roma; and trafficking in persons. Roma lacked adequate access to employment, education, and housing. Infringement of workers' rights and child labor were also reported.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government. Nevertheless, impunity remained a problem in some areas.

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

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

On May 30, in Podgorica, off-duty policeman Zoran Bulatovic killed Aleksandar Pejanovic, a former boxer and police officer, following a quarrel between the two. Bulatovic's trial for murder began in September. Pejanovic, an outspoken advocate of maintaining the Serbia-Montenegro union, received widespread press attention when he charged police with beating him after he participated in a protest against Montenegro's recognition of Kosovo's independence in 2008. At year's end police officers were being retried in connection with Pejanovic's 2008 and 2011 charges.

During the year authorities continued the slow process of pursuing, through the courts and in cooperation with neighboring governments, allegations of war crimes against persons associated with various sides during the Balkan wars of 1991-99. Only low- and middle-ranked police and military officers have been charged for these alleged crimes. The courts pronounced judgements in three cases, which were later appealed, leading to new trials or investigations. The case of six former Yugoslav People's Army soldiers and reservists accused of war crimes in 1991 and 1992 in the Morinj prisoner of war camp ended with convictions. However, the seven individuals charged with atrocities against Bosnian Muslims in the Bukovica region in 1992 and 1993, as well as nine former police officers accused of deporting 83 Bosnian refugees who were then killed, presumably by Bosnian Serb troops, were acquitted. There was considerable societal pressure on a former police officer, Slobodan Pejovic, who testified in one of the cases. He was physically attacked several times, suffered damage to his personal property, and was sued. There were also allegations that Pejovic was actually one of the perpetrators of the crime. The often delayed trial of eight officers and soldiers from the Podgorica Corps of the former Federal Republic Yugoslav Army, who were accused of the 1999 killing of 23 Albanian civilians in Kaludjerski Laz near Rozaje, continued at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, but police at times beat and harassed suspects, particularly during arrest or custodial interrogation.

In June the nongovernmental organization (NGO) Youth Initiative for Human Rights (YIHR) expressed concern about the government's slow pace in processing cases of alleged torture and other forms of inhuman treatment and pointed to the small number of resolved cases. They also highlighted reported allegations of torture by police officers in prisons.

Authorities continued measures to implement the recommendations of the Council of Europe's Committee to Prevent Torture (CPT), published in 2010. The recommendations stemmed from a 2008 mission that inspected the country's prisons. According to the CPT's report, inmates made numerous accusations of torture and mistreatment, including beatings with sticks, at the hands of officials. In the latter half of 2010, the ombudsman made unannounced, after-hours visits to all 21 police detention units. In a special report on detention units, which was forwarded to the Assembly, he stated that many deficiencies related to the mistreatment of persons in custody had been rectified, especially in the conditions of detention cells (including physical enlargement, better equipment, lighting, hygiene, ventilation, and air conditioning).

During the first eight months of the year, the Department for Internal Control of Police Operations received 63 complaints of police misconduct. It found 14 cases justified and 49 unjustified. The police stated that they took disciplinary actions in response to those complaints they considered justified.

On February 23, according to the media, police director Veselin Veljovic denied Internal Control Department personnel access to the police electronic database, blocking their investigations. In response to the Interior Ministry's objection, Veljovic cited the law protecting data privacy.

Citizens may address complaints of police abuse to a legally mandated agency, the Council for Civilian Control of Police Operations, but the council can only make recommendations for action to the Office of Internal Police Control or the state prosecutor. In the first six months of the year, the council reviewed and forwarded approximately 50 such complaints to the police and judiciary. Information on follow-up by those institutions was not available. Some members of the Assembly claimed that the council's monitoring of the police was inadequate.

Observers noted that police continued the practice of filing countercharges against individuals who reported police abuse. It was widely believed that this practice contributed to the reluctance of citizens to report police mistreatment.

On June 3, police stated that prosecutors brought criminal charges against 235 police officers during the previous five years, but there were no reliable statistics on the conviction rate. Courts at times dismissed allegations of police abuse because they had not been filed or processed in a timely manner.

During the year prosecutors charged, and courts convicted, a number of officials of mistreating individuals in their custody. On May 25, for example, the Podgorica Basic Court sentenced police officer Djordje Papic to 10 months in prison for mistreating Danijel Batrovic and Zlatko Gosovic in 2007.

On June 15, the media reported that the High Court confirmed a lower court's acquittal of five special police antiterrorism unit officers (Marko Kalezic, Darko Sekularac, Nenad Scekic, Branko Radickovic, and Milorad Mitrovic) of mistreating Pjetar Sinistaj and his sons Anton and Viktor while arresting the elder Sinistaj. The case involved one of the country's largest police actions, in which a group of 18 ethnic Albanians from Malesija, a predominantly Albanian region near Podgorica, were arrested one day before the 2006 Assembly elections for allegedly plotting terrorist attacks.

Courts and prosecutors continued to wrestle with allegations of complicity by officials in the mistreatment of Aleksandar Pejanovic, who was brutally beaten while incarcerated, leading to a renewed trial against the alleged perpetrators within the police force. Pejanovic's trial gained wide media attention. On April 15, the Podgorica High Court overruled the 2010 decision of the Podgorica Basic Court that had sentenced police officers Milan Kljajevic and Milanko Lekovic to five months in prison, and Ivica Paunovic to three months, for complicity in Pejanovic's mistreatment (the lower court had acquitted two other alleged participants). A new trial was pending at the year's end. Following this lengthy legal imbroglio, the High Court overruled the decision of the basic prosecutor to indict Goran Stankovic, who was another one of the police officers accused of mistreating Pejanovic and who testified against the others. During the trial, Stankovic alleged that several of his colleagues, mostly supervising and higher-ranking officers, committed a series of offenses involving the ordering, enabling, and cover-up of Pejanovic's torture. At year's end a special antiterrorist unit policeman, Zoran Bulatovic, was on trial for the May killing of Pejanovic.

Prison and Detention Center Conditions.—Prisons and facilities for holding pretrial detainees were generally dilapidated, overcrowded, and according to the Ministry of Justice, a threat to the safety of prisoners, although there were some improvements over previous years.

In its report to the Assembly committee responsible for monitoring prison conditions, the Ministry of Justice cited a shortage of facilities as a significant problem

that reduced the government's ability to carry out prison sentences according to prescribed standards.

In September observers visiting Spuz Prison, the country's largest penitentiary, described continued problems of overcrowded facilities in need of enlargement and renovation. The inadequacy of facilities for treating alcoholics and drug addicts led the administration of the Spuz facility, which is near Podgorica, to place many such patients in a psychiatric hospital that was poorly equipped to handle criminal patients.

On June 11, prisoner Radojko Jurisevic died after overdosing on medications. His family accused prison authorities of failing to provide adequate medical care following the overdose. On November 14, Milivoje Terzic from Pljevlja, who was in detention on suspicion that he swindled the mother of the fugitive drug lord Darko Saric out of 300,000 euros ($390,000), was found dead in a prison cell. While prison authorities and one forensic expert claimed that Terzic died by hanging himself, another forensic expert said that the detainee could have been strangled. Due to the conflicting autopsy reports, no conclusion about the cause of death was reached by year's end.

During the year 12 inmates went on hunger strikes protesting alleged abuses, including protracted criminal proceedings, overly severe sentences, physical abuse by guards, poor medical conditions, and a ban on personal visits. Prison administrators denied those accusations. During the year 12 women serving sentences in a partially open section of the Spuz Prison described to the media conditions there that they considered inhumane.

In September the country's prison population of 1,350 exceeded the maximum capacity of 1,050, despite the implementation of an amnesty program in July 2010 that slightly reduced the prison population. Of the 1,350 inmates, 414 were convicts and 936 were detainees. During the year three deaths were reported in prisons.

In the first nine months of the year, prison authorities disciplined 11 prison wardens for violating various work rules and protocols. In 2010 they fined 33 wardens and fired three.

Prisoners had reasonable access to visitors, were permitted religious observance, and were given appropriate and sufficient food. Individual prisons did not have ombudsmen, but authorities permitted both visitors and detainees to submit complaints to judicial authorities and the national ombudsman without censorship and to request that authorities investigate credible allegations of inhumane conditions. In 2010 the ombudsman received 44 complaints of inhumane treatment in prison. For example, in Spuz Prison there were special boxes where inmates could submit grievances directly to the ombudsman, but the boxes were located in the corridors under video surveillance and keys were kept by prison administrators, which discouraged inmates from submitting grievances. Several families of imprisoned or detained persons claimed during the year that serious violations of inmates' rights occurred despite existing safeguards. Conditions for women were equal to those of men. Inmates had access to potable water.

Authorities often investigated credible allegations of inhumane conditions, but at times did so only in reaction to media campaigns or upon the ombudsman's recommendation. NGOs and human rights activists often criticized the results of those investigations. The ombudsman expressed the view that more guards should have been held responsible for the 2009 beating of inmates Dalibor Nikezic and Igor Milic, a violation of prison procedures that was filmed by the security camera. The Ministry of Justice, responsible for operating the national prisons, monitored prison and detention conditions.

According to the law, authorities may allow certain convicted persons to serve their sentences through voluntary service in a state institution or agency, but this alternative, which observers noted could reduce overcrowding, was used only in a few cases. The practice of detaining suspects pending trial was almost universal. In June the Assembly amended the law to empower a newly founded Department for Suspended Sentences in the Ministry of Justice to grant conditional release to prisoners who served two-thirds of their sentence and to monitor furloughed convicts. A new criminal procedure code, whose full implementation began in the second half of the year, envisages a number of noncustodial supervision measures. Enabling legislation on supervisory monitoring by electronic device was not adopted during the year.

Authorities continued to make improvements in the prison system. In 2010 new space was added to prisons in Spuz and Bijelo Polje. Units in these prisons for prisoners serving shorter sentences and suspects awaiting trial were under repair. Repairs were made on the electric and water supplies, as well as sewage facilities, in both prisons, and existing facilities were renovated. In the Spuz Prison, authorities built a new cafeteria and an administration building.

The government permitted monitoring visits by independent nongovernmental observers, including human rights groups, the International Committee of the Red Cross (ICRC), and the media, in accordance with their standard modalities. Visits by domestic NGOs, the European Commission, and the Organization for Security and Cooperation in Europe (OSCE) also took place during the year. Some of the visits were undertaken on short notice, and monitors were allowed to speak with the prisoners without the presence of a guard. Representatives of the Office of the Human Rights Ombudsman routinely visited prisons without prior notice, meeting with detainees and inmates.

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

Role of the Police and Security Apparatus.—The national police force, which includes the border police, is responsible for law and order. They were generally effective. The Agency for National Security (ANB), a self-standing entity within the government, is responsible for intelligence and counterintelligence. Military and security affairs are the responsibility of the Ministry of Defense. In July the ANB and Ministry of Defense signed a memorandum of understanding that mandates that several members of the ANB be seconded to the Defense Ministry to collect and process defense intelligence, a decision which led some opposition leaders to accuse the ANB, which they assert has abused its authority on behalf of the governing coalition, of seeking to exert inappropriate influence on the Defense Ministry in the area of cooperation with NATO. The Assembly is responsible for overseeing democratic and civilian control of the army, police, and security services. Assembly members sitting on that body's Committee for Defense and Security had access to classified documents without prior approval or security clearances. The NGO Alternativa accused the Assembly of insufficient enforcement of control mechanisms envisaged by the Law on Parliamentary Oversight of Security Services.

Some problems of impunity in the security forces remained, and opposition parties described such oversight mechanisms as the Council for Civilian Control of Police Operations as ineffective. Criminal proceedings against police for mistreatment of persons in their custody, obtaining evidence by means of extortion, and other violations of office were rare. Investigations of alleged abuses were ineffective and penalties were lenient. In its report for 2009-2010, the Council for Civilian Oversight of Police Operations stated that prosecutors initiated criminal proceedings in only four of the 17 cases of alleged police mistreatment of civilians that it forwarded to them. Whistleblowers among the police were not well protected, as shown by the case of Goran Stankovic, a policeman who testified in the beating of Aleksandar Pejanovic (see section 1.c.). Human rights observers claimed that citizens were reluctant to report police misconduct for fear of reprisals. The Prosecutor's Office is responsible for initiating criminal investigations into allegations of torture and mistreatment. In such cases the courts usually found that police use of force was reasonable.

In its September 2010 report on police reform, the OSCE, while noting that problems remained, stated that "encountering police in 2010 one cannot help but realize that police reform is immediately visible." The report called for further training, noting that "only a tiny percentage of police officers have been fully trained at the Academy . . . [;] the majority . . . remained products of the short in-service training courses."

Arrest Procedures and Treatment While in Detention.—Arrests require a judicial warrant or a "strong suspicion that the suspect committed an offense." Police generally made arrests with warrants based on sufficient evidence. The law provides that police must inform arrested persons immediately of their rights, and authorities respected this right in practice. Authorities have a maximum of 24 hours to inform the family, common law partner, or responsible social institution of an arrest. They may detain suspects for up to 48 hours before bringing them before a judge and charging them. At arraignment the judge makes an initial determination about the legality of the detention. In practice, arraignment generally occurred within the prescribed period. The law permits a detainee to have an attorney present during police and court proceedings. Detainees generally had prompt access to a lawyer and family members. There is a system of bail, but it was not widely used because citizens could rarely raise money for bail.

Trials themselves were subject to frequent interruptions.

Police continued to summon suspects and witnesses to police stations for "informative talks," usually without holding them for extended periods. In principle those who have been summoned have the right not to respond.

The law forbids the use of force, threats, or coercion by police to obtain evidence, but police at times beat and harassed suspects while arresting them or detaining

them for questioning. NGOs and human rights observers noted that the incidence of such practices had greatly declined in the previous two years.

In August a new criminal procedure code entered into force. The deputy prime minister, who also serves as the minister of justice, stated that the judiciary was prepared to apply the entire code. The new code specifies that verdicts may not be based on evidence that has been obtained by violating human and fundamental rights guaranteed by the constitution or by ratified international treaties. It includes the right of detainees to be visited by the ICRC and other international organizations and requires authorities to reopen cases when the European Court of Human Rights (ECHR) or any other court established by an internationally ratified treaty finds that a conviction was achieved by methods or procedures that violate human rights and freedoms.

Pretrial Detention.—The law sets the initial length of pretrial detention at 30 days but provides for the possibility of an extension to five more months and allows a defendant to be detained for up to three years before a trial court verdict is issued. Pretrial detainees on average accounted for 44 percent of the prison population. According to authorities, the average length of pretrial detention was approximately three months and 19 days in the Spuz Prison and two months and 15 days in the Bijelo Polje Prison.

Extensive backlogs in the justice system contributed to numerous instances of lengthy pretrial detention. A 2007 law on the right to trial within a reasonable time was not effective. Courts rejected almost all defendants' complaints of delays but did not give parties concrete legal grounds for doing so, making it difficult to challenge the decisions. Relatively few defendants tried to make use of the law to challenge delays. According to a March analysis conducted by the NGO Human Right Action, defendants filed only 214 complaints since adoption of the law, despite a backlog of 10,853 cases, some from 2008 and earlier.

Amnesty.—During the first eight months of the year, the president pardoned 65 convicts.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, but some observers asserted that the judiciary was not always independent. They claimed that government officials influenced prosecutors for political and personal reasons. Nevertheless, progress continued to be made on judicial reform, strengthening the independence, responsibility, and capacity of judges and prosecutors.

Some observers contended that the process by which the executive and legislative branches proposed and adopted the courts' budgets could influence the independence of the judiciary. There were also aspects of the legal framework that provided space for political influence. For example, in the view of some observers, the manner of appointment of judicial and prosecutorial officials, including the absence of a merit-based career system, did not adequately shield them from political influence. While cases are ostensibly assigned to judges at random, concerns over the transparency of the process were raised. The government and politicians at times sought to influence the judiciary by commenting on the cases—for example, in some trials for slander or corruption involving prominent persons or senior officials—and thereby contributed to continued public distrust of the judiciary. A large backlog of cases, primitive courtroom facilities, inadequate administrative support for judges and prosecutors, shortage of skills, cumbersome procedures, and judicial corruption also remained problems.

On September 28, the NGO Center for Democracy and Human Rights published a report indicating that the principles of a fair trial were violated in nearly one-half of the 35 cases the group followed during a five-month period. The most common violations involved the right to a speedy trial, but there were also instances in which police failed to comply with court orders. The implementation of civil and criminal court decisions frequently remained weak.

A law on free legal aid, adopted on April 5 and scheduled to take effect on January 1, 2012, was designed to apply to all citizens, foreigners with permanent residence, and persons with approved temporary residence. At year's end authorities were in the process of establishing legal aid offices in basic courts throughout the country. The U.N. Development Program (UNDP) supported the establishment of three pilot offices in Podgorica.

Courts continued to reduce their backlogs of civil and criminal cases, but concerns remained about the reliability of statistics as an indicator of the qualitative progress. On September 1, a law took effect designed to make the administration of misdemeanor penalties more efficient. In its October 12 enlargement report, the European Commission noted judicial reform as one area in which the country had

made significant progress; however, other reports suggested that the commission may have been too generous in its praise of the judicial system.

A Judicial Council is responsible for the election, discipline, and removal of judges. Since the existing council was established in 2008, several judges have been fired, suspended, or sanctioned for unprofessional behavior.

In July the Assembly amended the laws affecting the courts, the Judicial Council, and the Office of the State Prosecutor, in an attempt to limit political influence and broaden judicial independence. The amendments changed the manner of appointment of members of the Judicial Council, giving judiciary an increased role, providing for greater transparency, and introducing higher standards for members. There were changes in the composition of the Prosecutorial Council, and it was given a broader scope of action in disciplinary proceedings.

Authorities stated that courts completed 76.7 percent of their cases in 2010, processing 127,197, or 1.6 percent, more cases than in 2009. To make the work of the courts more transparent, the Supreme Court's Web site, established in October, began posting the decisions of the courts.

Trial Procedures.—Criminal trials are generally public, but sessions may be closed during the testimony of state-protected witnesses. Juries are not used. Professional judges preside over trials. Lay judges assist them in determining verdicts, but the judges generally determine the sentences. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner in pretrial and trial proceedings. Defendants have a right to an attorney and an attorney is provided at public expense when a defendant is a disabled person, in detention, destitute, or indicted on a charge carrying a possible sentence greater than 10 years. These rights were generally respected. Defendants and their attorneys have the right to access government-held evidence relevant to their cases. Defendants enjoy a legal presumption of innocence. Courts may try defendants in absentia but must repeat the trials if the convicted individuals are later apprehended. Both the defense and the prosecution have the right of appeal. Defendants' rights were generally respected and extended to all citizens.

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

Regional Human Rights Court Decisions.—Once national remedies are exhausted, citizens may appeal alleged violations of human rights by the state to the ECHR. At year's end 885 cases involving the country were pending before the ECHR, most relating to the right to a speedy trial, alleged failure to implement court decisions, property restitution, property rights, length of pretrial detention, media freedom, treatment by police, and slander. Since 2004 the ECHR has issued six rulings against the government for violations of the European Convention on Human Rights. Authorities immediately implemented the first ruling, handed down in 2009. Implementation of the remaining rulings was pending.

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent judiciary in civil matters, and citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. Although parties have brought suits alleging human rights violations and at times prevailed, there was widespread public distrust in the independence of the judiciary.

Citizens may appeal violations of their human rights to the Constitutional Court, which is often publicly criticized for its inefficiency and lack of transparency. In 2010 the Constitutional Court accepted three appeals and rejected 184. The Constitutional Court does not judge, but only examines the alleged human rights violations committed in the case or procedure. If the court finds a human rights violation, it will revoke the decision and refer it to the appropriate authority or court to rectify its decision.

Courts continued to deliberate on a series of claims filed on behalf of 54 plaintiffs seeking 1.4 million euros ($1.82 million) in damages arising from the 1992 deportation of Muslims and Bosniaks to Republika Srpska in Bosnia-Herzegovina, where they subsequently were killed or disappeared. In five cases plaintiffs were awarded 435,000 euros ($566,000) total, while other cases were pending at year's end. In earlier cases 196 plaintiffs were awarded 4.1 million euros ($5.3 million).

Property Restitution.—Although the return of private property seized since 1945 continued during the year, many applicants complained that the process was slow and lacking in transparency, and that the appropriated funds were insufficient. The 2010 report of the ombudsman's office contained similar criticism and noted that it had received a significant number of complaints about the restitution commissions the government established to handle claims. The report noted that compensation proceedings heard by the commission in Podgorica were significantly less protracted than those adjudicated by the commissions in Bijelo Polje and Bar.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such interference without court approval or legal necessity and prohibit police from searching a residence or conducting undercover or monitoring operations without a warrant. The government generally respected these prohibitions.

During the year Vasilije Milickovic from Podgorica accused the police and the mayor of Podgorica of illegally arresting him and expropriating his land. On May 4 and 5, Milickovic tried to prevent the workers of the Tehnoput Company from building a detour of a Podgorica road on his land. He tried to block the construction, claiming that his property rights were violated because the city decided to construct the road while his court appeals were pending. In two separate trials, the Podgorica Basic Court sentenced Milickovic to 20 days in prison and a 1,100 euros ($1,430) fine for violating public peace and order when he refused to allow the construction crews on his property. Subsequently the Administrative Court revoked the decision and ordered a new trial.

The law requires the ANB to obtain court authorization for wiretaps, but some observers believed that authorities selectively used wiretapping and surveillance against opposition parties and other groups without court authorization. Many individuals and organizations operated on the assumption that they could be under surveillance.

In April the Agency for Protection of Personal Data (APPD), an independent government organization with the responsibility for protecting personal data, voided an agreement according to which telephone service providers were giving police extensive data about citizens, including direct access to the listings of mobile telephone services, without a court order. Both the agency and the Prosecutor's Office subsequently reported that they found no irregularities in police use of information from mobile phone service providers. Police forwarded new agreements to the APPD for assessment.

On November 4, the Podgorica Basic Court voided an agreement between police and the service provider M:tel giving police access to the databases and telephone records of M:tel's subscribers. The court acted in response to a complaint by the NGO Network for Affirmation of the NGO Sector (MANS), which contended that police should not have the legal right to access the databases and telephone records of the country's three mobile phone providers without a court authorization. MANS additionally claimed that police violated citizens' privacy by warrantless monitoring of more than 20,000 private telephone conversations since 2007. Police director Veselin Veljovic rejected this charge.

The APPD stated that the most common violation of privacy was excessive use of public video surveillance. The agency claimed that illegal use of video cameras by both public institutions and private businesses was a big problem, emphasizing that surveillance was used contrary to regulations and without the APDS's approval.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press, but there were some restrictions in law and practice. The constitution and law criminalize the incitement of national, racial, and religious hatred and intolerance and there were some prosecutions during the year (see section 6).

Freedom of Speech.—Individuals could criticize the government publicly or privately without reprisal, and there were no reports that the authorities monitored political meetings or otherwise attempted to impede criticism.

On January 20, prosecutors charged Bishop Amfilohije Radovic of the Serbian Orthodox Church in Montenegro (SPC) with engaging in hate speech. Responding to government plans to demolish a church whose location they regarded as illegal, the bishop said "anyone who demolishes the church, may God demolish him." The prosecutors claimed that Radovic's words caused offense to Montenegrins. The trial before the Podgorica Court of Offense continued at year's end.

Freedom of Press.—Although the independent media were active and generally expressed a wide variety of political and social views, there were reports of threats against journalists as well as of political and economic pressure placed on the media. The government did not restrict the distribution of foreign publications. The print media included private newspapers and a state-owned newspaper with a national circulation.

Authorities were again unsuccessful in their efforts to sell the government's 86 percent holding in the national daily newspaper Pobjeda, as required by a 2002 law. They supported the newspaper financially with the stated aim of avoiding bankruptcy. Opposition politicians continued to criticize the newspaper's reporting, which

they claimed favored the government and was used to discredit government opponents, including opposition politicians, some private media owners, and some NGOs. A new tender issued on September 27 for privatization of the state-owned publisher resulted in one bid, but authorities had not started talks with the bidder at year's end.

Private media claimed that the placement of advertising in the media by state-owned companies was not transparent or free of political influence, pointing out that such companies advertised mainly with the state-owned newspaper, even though it had a smaller circulation and less influence than its private competitors.

Government opponents continued to criticize the functioning of the country's public radio and television broadcaster, Radio and Television of Montenegro (RTCG). They claimed that, instead of serving the public interest, RTCG was controlled by the ruling political structures and that the public broadcaster clearly favored the government in its programming and reporting.

Violence and Harassment.—Representatives of the independent newspaper Vijesti continued to be the main targets of anonymous attacks. On three occasions in July and August, vandals set fire to vehicles belonging to the newspaper. On July 25, the OSCE media representative wrote to the foreign and interior ministers that these crimes "seriously undermine media freedom in Montenegro and create a chilling effect for the entire media community." On November 28, media reported that Daily Press, Vijesti's publisher, sued the state for 60,000 euros ($78,000) in compensation for the authorities' failure to prevent the "terror attacks on the newspaper's property" and their failure to protect the company's rights and interests. There were no reports on the court's actions in this case at year's end.

On November 18, a journalist and a cameraman from Vijesti Television and a photo reporter from the daily Vijesti newspaper were physically assaulted while filming at a location in Niksic. Police arrested three persons following the attack. The prosecutor of Niksic Basic Court filed criminal charges against one of the attackers, the Court of Offense fined another 560 euros ($728) for insulting the reporters, and the third person was acquitted. Prime Minister Igor Luksic and the resident OSCE mission condemned the attacks. The assaulted reporters said they did not know why they were attacked. The editor in chief of Vijesti Television warned that the attacks on journalists would continue as long as the perpetrators of previous attacks on journalists went unpunished.

Investigations or trials related to several earlier attacks continued. Legal wrangling continued in connection with an alleged physical assault in 2009 by the mayor of Podgorica and his son of Vijesti's deputy editor in chief and a photo reporter for the newspaper.

Journalists and other media professionals continued to receive threats. For example, authorities indicted Marko Piper and Slavko Music, two workers at a factory in Mojkovac, on allegations that they threatened Vijesti reporter Olivera Lakic over several articles she wrote about the illegal production of cigarettes that allegedly was taking place there. Their trial was underway at year's end.

Libel Laws/National Security.—On June 22, the Assembly eliminated legal provisions that made defamation and insult criminal acts. In the past, officials used these provisions to discourage journalists from writing negative articles about them and to punish journalists for stories that accused them of wrongdoing.

On December 20, the Podgorica High Court overturned the four-month prison sentence for libel levied by the Podgorica Basic Court against journalist Petar Komnenic. The high court recommended community service instead. The basic court initially levied a penalty of 3,000 euros ($3,900), because of an article by Komnenic in Monitor in 2007 in which he claimed that a number of judges of the Podgorica Higher Court were kept under secret government surveillance. Komnenic refused to pay the fine, and it was converted into a four-month prison sentence.

On November 22, the ECHR found that authorities violated the free speech rights of Veseljko Koprivica, editor of the magazine Liberal, when they fined him for claiming in a 2004 article that 16 Montenegrin journalists were facing trial by the International Criminal Tribunal for Yugoslavia. The Tribunal stated that the information was false. Even though the ECHR agreed that Koprivica had made insufficient efforts to confirm his information, it found the damages levied upon him—25 times greater than his monthly pension—were disproportionate.

The constitution and law criminalize the incitement of national, racial, and religious hatred and intolerance. On April 7, the Agency for Electronic Media, the supervisory body in the field of broadcast media, issued an official warning to Radio Svetigora because of a statement by the SPC priest and abbot of Dajbabe Monastery Nikodim broadcast on March 27 that "the Montenegrin nation was created by the devil, not by God." The agency noted that the Radio Svetigora journalist who inter-

viewed the priest failed to take issue with the statement, and warned the radio not to incite, spread, or enable hate speech or other forms of discrimination. On October 25, local media reported that Podgorica's Court of Offense found the priest guilty of hate speech and fined him 900 euros ($1,170).

Despite these developments, some media outlets demonstrated a willingness to criticize the government. The prominence of articles and television programs critical of the authorities suggested that self-censorship was not a major problem. Some observers noted that journalists were susceptible to bias due to their lack of expertise, pressure from their employers, or their political affiliations. The observers noted that a deep division between progovernment and opposition media, manifested by mutual accusations in the public sphere, prevented the establishment of a functional self-regulation mechanism for journalists.

Actions to Expand Press Freedom.—In addition to legislation enacted by the Assembly eliminating criminal libel, authorities appropriated a 4.5 million euro ($5.8 million) subsidy to broadcast media to cover their debts to government agencies for unpaid license fees and signal transfer taxes for 2009-10. The government also helped the private newspaper distributing company Bega Press to emerge from its 2009 bankruptcy. The cost of the rescue attempt was 880,000 euros ($1.14 million). The funding allowed the three dailies Dan, Vijesti, and Pobjeda and the weekly publication Monitor to offset 800,000 euros ($1.04 million) owed them by Bega Press. The three included both state-owned and privately owned publications, but government opponents questioned the legitimacy of the decision to use taxpayer money to aid the bankrupted private company.

Internet Freedom.—There were no government restrictions on access to the Internet, but until ordered to cease doing so in March, one of the country's principal Internet service providers gave police direct and warrantless access to all forms of communications carried on its servers. It was unknown whether authorities made use of this access to monitor e-mail or Internet Web sites or chat rooms.

MANS, an NGO, used the freedom of information law to obtain a 2007 government agreement with the communications company M:tel giving police around-the-clock access to all forms of communication it provided. In response to a civil suit by MANS representatives on March 28, the Agency for Personal Data Protection ordered M:tel to cease giving police personal data, stating that the agreement violated the law and constitution. On November 3, Podgorica's basic court annulled the agreement between the police and the communication company for violating the citizens' rights to privacy; it found the agreement contradictory to the constitution and the European Convention on Human Rights. The court also ordered the police and M:tel to pay a total sum of 1,000 euros ($1,300) for trial expenses.

There was no evidence that the government collected or disclosed personally identifiable information about persons based on that person's peaceful expression of political, religious, or ideological opinion or belief.

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

b. Freedom of Peaceful Assembly and Association.—The constitution and laws provide for freedom of assembly and association, and the government generally respected these rights in practice. A wide range of social, cultural, and political organizations functioned without interference, but authorities denied disgruntled workers the right to assemble and express their grievances on several occasions.

Freedom of Assembly.—According to the media, police rejected more than 200 applications for permission to assemble in 2010-2011, most of them organized by disgruntled workers. The police justified their actions by contending that the assemblies would cause a public hindrance, and in some cases authorities offered the protesters other locations for their demonstrations. On April 11, the YIHR applied to the Constitutional Court for an assessment of parts of the Law on Public Assemblies. The YIHR claimed that certain provisions that permitted government bodies to prohibit peaceful assemblies violated the constitution. The court did not respond to this request by year's end.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

For the most part, the government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in pro-

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

Internally Displaced Persons (IDPs).—Data released in October by the Bureau for the Care of Refugees categorized 9,367 persons who fled Kosovo during the 1999 conflict as IDPs, since at the time of their flight, the territories of present-day Montenegro and Kosovo were part of the same country—the State Union of Serbia and Montenegro. Another 3,776 persons were categorized as "displaced persons" or DPs. Most of them were ethnic Serbs from Bosnia-Herzegovina and Croatia who fled those areas in 1991-95 during the conflict that attended the breakup of Yugoslavia. Authorities asserted that these persons had not crossed recognized borders at the time of their flight and could not be considered refugees. The UNHCR, on the other hand, regards both groups as having been "refugees" at the time of their arrival.

The status of both DPs and IDPs was temporary and their rights were limited, increasing their economic and social vulnerability.

The treatment of DPs and IDPs was not equal. The law recognizes DPs as lawful residents, a designation that could lead to citizenship through satisfaction of a length-of-residence requirement or through marriage to a citizen. However, the law denies these privileges to IDPs on the grounds that the Government of Serbia, the "succeeding state" following the breakup of Serbia-Montenegro, was responsible for them.

A number of DPs and IDPs continued to live in substandard dwellings, struggle with rental payments in private accommodation, and fear eviction from illegally occupied facilities known as informal collective centers. Besides these centers, there remained two camps for displaced persons, populated mainly by Roma IDPs from Kosovo, in the suburbs of Podgorica. Restricted access to employment pushed many DPs and IDPs into gray-market activities. Romani, Ashkali, and Egyptian IDPs from Kosovo were particularly affected and continued to form the most marginalized and vulnerable segment of the displaced/refugee population. In 2010 legislation was enacted that restored to DPs and IDPs the right to work, of which they had been deprived by law in 2000.

Amendments enacted in 2009 to the Law on Foreigners required all DPs and IDPs to register; successful registration would confer the status of "permanent foreign resident" and give them the right to seek work and access health care on an equal basis with Montenegrin nationals. The initial deadline for registration was November 7. The government worked with the UNHCR to implement a program of outreach to acquaint the target populations with the benefits. The UNHCR recognized the government's commitment but stated that additional measures, such as assistance with documentation, were needed to facilitate the registration process.

The registration was only partly successful. In the first 11 months of the year, approximately 6,700 DPs and IDPs, fewer than 40 percent of the target population, applied for the status of foreign resident under the amended law. Slightly fewer than half of the applicants had been successful by year's end; some were still in the application process. After extensive lobbying from the UNHCR and EU, the government extended the deadline to December 31, 2012. There were a number of obstacles to registration. Despite government efforts to cooperate with neighboring countries to facilitate access to documents, it remained difficult to obtain the necessary documents from the country of origin because of the bureaucratic and financial constraints on travel to those countries. The documentation requirement was a particularly difficult hurdle for Roma, Ashkali, and Egyptians, both those born on the territory of present-day Montenegro and elsewhere. Many had no birth records, either because their births were never registered or because their records were destroyed during the conflicts in the region. Those DPs and IDPs who were unable to overcome the documentary or other hurdles to registration as foreign residents could apply for the status of "temporary" foreign resident, valid for up to three years, while they tried to obtain the necessary documentation for permanent foreign resident status.

By law persons with the status of permanent foreign resident have access to the same rights as citizens except the right to vote. In practice they did not have such rights as ownership of real estate, and their access to employment and education was limited. Further, temporary foreign residents, who should have the same rights as permanent foreign residents, did not in practice, especially when it came to employment and health care.

In July the government adopted a new multiyear strategy to deal with the problems of DPs and IDPs. It was developed in cooperation with UNHCR and EU, and adopted through their strong advocacy. A Coordination Board, chaired by the deputy prime minister, was established to lead and monitor its implementation. The government agreed to incorporate all the outstanding refugee issues raised by the EU

and the UNHCR, which were outlined in the accompanying action plan. It was too early to evaluate the effectiveness of the new strategy.

The government continued to encourage DPs to return to their places of origin, but repatriation slowed to a trickle. By contrast more than 600 refugees from Bosnia and Croatia acquired Montenegrin citizenship between May 2008 and August 2011, in many cases through marriage to citizens.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. A path to citizenship was available only to a limited number of refugees holding DP status.

Access to Basic Services.—Conditions for refugees varied. Those with relatives or property in the country were able to find housing, and in some cases, to rejoin family members. Exceptions were approximately 2,000 refugees holding DP status, who remained in barely habitable facilities that had been privatized. On July 4, the executive service of the Kotor Basic Court, with police assistance, evicted six IDP families from a holiday resort in Kamenovo owned by the company Recreatours. In April Recreatours paid damages to 13 IDP families. All tenants moved out without further claims.

According to a joint survey conducted in May by the government, OSCE, and UNHCR, most of the vulnerable DPs lived in family settlements, while others lived in settlements with substandard housing designed as temporary accommodation.

A total of 235 persons sought asylum in the country during the year, a very large increase over 2010. The government did not have adequate facilities to handle this influx, but a reception center designed to house approximately 65 asylum seekers was under construction.

Stateless Persons.—Citizenship is derived from one's parents. According to the UNHCR, there were no legally stateless persons in the country, but there were individuals who were de facto stateless. The most common problem confronting stateless persons, especially Roma, Ashkali, and Egyptians born on the territory of Montenegro or in Kosovo, was a lack of personal documentation. The UNHCR reported that there were 2,712 refugees at risk of statelessness. As of year's end, the government had not developed a procedure for systematically identifying, documenting, and registering stateless persons or persons at risk of statelessness.

According to the UNHCR, before 2010, when municipalities were responsible for registering births, they registered some Montenegro-born children of parents with DP or IDP status, but when the Ministry of Interior took over this responsibility it deleted these children from the citizenship registry book, claiming that their registration had no legal basis. Families were not formally informed of the Ministry of Interior's actions. There were no reports that authorities were seeking to review the ministry's decisions.

In the course of developing a new multiyear strategy toward the country's DPs and IDPs during the year, the authorities recognized that there might be some persons with no status. They announced that they would review any such cases to ensure all concerned individuals are granted the status of their parents, without additional requirements for documents. At year's end there were reports that authorities were reviewing such cases.

During the year amendments to the law took effect that made citizens of the former Yugoslav republics eligible to apply for Montenegrin citizenship until January 31, 2012, provided they had identity cards and had resided in the country for at least two years prior to June 2006. They were not required to renounce their other citizenship.

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

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

Elections and Political Participation.—Recent Elections.—According to the OSCE election observation mission, the 2009 Assembly elections met almost all OSCE and Council of Europe commitments. Nonetheless the mission's statement noted frequent allegations of electoral fraud and a blurring of state and party structures that created a negative atmosphere among many voters. As in previous elections, most opposition parties raised concerns regarding campaign and party financing and the overlap of state and political party structures. Allegations of pressure on voters and the purchase of voter identification documents were again reported by some opposition parties, the media, and certain individuals.

On September 8, legislation went into effect that brought electoral procedures into line with the 2007 constitution, one of the EU's seven key requirements for initiating negotiations for EU membership. The new law limits the suffrage to citizens, and would deprive permanent residents of this right beginning on January 31, 2012. However, amendments to legislation on citizenship, which entitled permanent residents to apply for citizenship, provided they did so by January 31, 2012, also preserved their eligibility to vote until that date. The number of persons affected was unknown, but the opposition Socialists People's Party claimed that it could be approximately 40,000.

Participation of Women and Minorities.—Women remained underrepresented in higher levels of government. The president of the Supreme Court and the chief state prosecutor were women. Nine women served in the 81-seat Assembly and one in the cabinet. There were no women in four out of nine standing Assembly committees. One of the country's 21 municipalities had a female mayor. One of 10 Assembly parties had a female leader. The election law that took effect on September did not establish any quotas for women in Assembly, but instead mandated that at least 30 percent of the candidates on each party list be women.

There were 20 members of ethnic minorities in the Assembly and three in the 17-member cabinet. Almost all minority groups except Roma, Ashkali, and Egyptians were represented in the Assembly. In connection with the with the new election law, the Assembly abolished the five seats set aside for ethnic Albanians, effective with the next Assembly elections. The right of affirmative action, which sets forth the right of representation in the Assembly for ethnic minority groups that win fewer than 3 percent of the votes or constituted less than 15 percent of the population, was extended to all minority groups.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials at times engaged in corrupt practices with impunity. The perception of the public sector as corrupt, particularly the executive and judicial branches, was widespread. On July 26, the Ministry of Finance published an assessment of public sector corruption, which concluded that the privatization process, public procurement, urban development, local administration, and the education and health care systems were the activities and sectors most vulnerable to corruption. Both the World Bank's worldwide governance indicators and Transparency International's 2010 report reflected the seriousness of the problem.

While many of the legal prerequisites for effective anticorruption policies were in place, implementation lagged. Efforts to investigate, prosecute, and convict officials, particularly those at high levels, for corruption remained ineffective. During the first six months of the year, the Office of the Chief State Prosecutor investigated nine individuals for corruption. It also issued indictments of six individuals. During the same period, the High Court tried 199 persons for corruption, reached verdicts in corruption trials involving 40 persons, and convicted 19 persons on corruption charges.

Internal controls carried out within institutions or by responsible agencies seldom resulted in efficient prosecution of the perpetrators. State employees often had several functions and were permitted to be presidents or members of managing boards of public companies or state institutions.

On July 29, the Assembly adopted amendments to the Conflict of Interest Law depriving Assembly members of the right to serve as mayors or directors of public companies and administrative bodies.

In October MANS reported that of the 266 measures adopted by the government 18 months earlier and described as necessary to combat corruption and organized crime, only 25 percent had been fully implemented, 45 percent had been partly implemented, and the government had taken no action on 30 percent. The report noted that the Assembly failed to harmonize many laws with international conventions on organized crime.

Several high-ranking officials faced corruption charges during the year. On March 22, the Supreme State Prosecutor's Office indicted Budva Mayor Rajko Kuljaca, Deputy Mayor Dragan Markovic, and 10 associates on charges of abuse of power. Kuljaca was believed to have enabled the firm Zavala Invest to start construction of a hotel complex illegally on the protected Zavala peninsula. On August 8, the special public prosecutor for organized crime, Djurdjina Ivanovic, confirmed that her office was investigating the Bar Municipal Assembly and the mayor of Bar, Zarko Pavicevic, on criminal charges filed by MANS. According to media reports, the prosecutor was reviewing contracts between the City of Bar and the Bar Development Institute, a company owned by the mayor, as well as a number of other contracts between the city and private companies. The Office of the State Prosecutor was also

collecting information about the former mayor of Ulcinj, Gzim Hajdinaga, related to alleged wrongdoing by the local parliament in the course of granting construction permits.

On March 2, the opposition party Movement for Change (PzP) filed criminal corruption charges against Uros Cukic, the party's former municipal representative in the northern town of Andrijevica, and the ruling Democratic Party of Socialists (DPS). PzP leader Nebojsa Medojevic told the press that the charges involved incentives offered by the DPS to Cukic to switch his allegiance from the PzP to the DPS and tip the balance in the local assembly.

Police corruption and inappropriate government influence on police behavior remained problems; the small, close-knit nature of Montenegrin society discouraged the reporting of corruption and made it easy for criminals, using family or social connections, to gain access to law enforcement officers.

During the year the Ministry of Interior and Public Administration's Internal Affairs Unit took disciplinary measures to address corruption. Internal investigations, combined with the work of the Council for the Civilian Control of Police Operations, the ombudsman, and human rights activists, reduced, but did not eliminate, impunity. NGOs noted that police officers found responsible for violating rules of service, as well as senior officers implicated in cases of torture, remained on duty. The OSCE and resident diplomatic missions continued to provide training for police, security, and border and customs officers on combating terrorism, corruption, and financial crimes.

Government officials were subject to financial disclosure legislation, and most complied in a timely fashion. During the year the Commission for the Prevention of Conflicts of Interest initiated proceedings against 473 officials and forwarded 248 of these to the misdemeanor courts. In the same period, the commission issued a total of 576 decisions concerning alleged violations of the law and called for the dismissal of 43 state officials for failing to comply with disclosure requirements. While the law provides for maximum fines of 825 to 1,100 euros ($1,072 to $1,430), the highest fine imposed by a court was 400 euros ($520). The courts rejected most of the cases. During the first half of the year, the commission lacked the authority to verify disclosures by public officials. It also had weak enforcement powers.

In July amendments to the law on conflict of interest were enacted to strengthen the authority of the commission. It acquired the power to investigate the truthfulness of officials' disclosures about their property and income. The commission's chairman, Slobodan Lekovic, complained that its yearly budget of 240,000 euros ($312,000) was insufficient to meet the new responsibilities of the commission.

Excessive discretion granted to officials in the disposition of public property likely encouraged corruption. For example, on February 18, media reported that the City of Podgorica gave city-owned apartments to several judges based on their "significant contributions to the city." According to data published online, since 2003, 216 apartments were given to municipal employees, persons in need, and persons Podgorica authorities deemed worthy.

The law provides some protection for whistleblowers, but it was inadequate in practice. For example, three former police officers—Enver Dacic, Mithad Nurkovic, and Suad Muratbasic—claimed they had to leave the country because of threats they received when they spoke publicly about police complicity in transborder smuggling. Military authorities initiated two disciplinary procedures (on April 19 and May 26) against Nenad Cobeljic, president of the military trade union, for disclosing to the media information about corruption and abuses in the military. On December 29, the Ministry of Defense suspended Cobeljic "because of violations at work" but claimed that this action had nothing to do with trade union activities.

While open bidding was the most commonly used procedure for public procurement, many auditing reports identified inconsistent or irregular application of legal provisions or circumvention of the law in practice. On July 29, the Assembly adopted the Law on Public Procurement. Some observers, including the NGO Alternativa, complained that the new law failed to include important measures to strengthen transparency.

The constitution and law provide for public access to government information, but implementation was weak and inconsistent, in particular regarding some parts of privatization agreements. Some ministries were supportive of information requests, while others at times publicly criticized them. According to MANS, the ministries of sustainable development and tourism, defense, and economy had the least capacity to implement the law. The level of access did not differ for noncitizens or the foreign or domestic press.

NGOs reported that their requests for government-held information frequently went unanswered. In the case of MANS, which was well known for contesting government inaction, authorities provided timely responses to approximately 38 percent

of its requests. In May the Administrative Court overruled the denial by the chief state prosecutor and the Ministry of Justice of Human Rights Action's request for information about measures the prosecutor took in connection with 14 cases involving allegations of official malfeasance. According to MANS, agencies usually refused to give information that could reveal corruption or illegal activity, particularly involving the privatization process. MANS reported that citizens preferred to submit requests through NGOs rather directly to government offices.

Authorities usually provided reasons for their denials (such as threats to state interests or to the business interests of the contracting parties), and these could be appealed to the higher-level state bodies or courts. The courts usually supported such appeals: the Administrative Court ruled favorably on 77 percent of the 4,879 complaints filed by MANS from 2005 to 2010. However, court orders to the ministries to comply with specific requests were often ambiguous and, consequently, sometimes ignored. During the first six months of the year, MANS sent 129 complaints to the ombudsman regarding cases in which it alleged the courts' decisions were not enforced.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to the views of international groups, but some of the many domestic NGOs regarded cooperation as only nominal.

Almost 4,500 domestic registered NGOs operated in the country, including those specializing in human and minority rights and women's rights. According to NGOs, authorities provided minimal assistance. On January 25, a Council for Cooperation between the government and NGOs was established, and on July 22, the Assembly adopted the Law on NGOs. The new law, which was scheduled to enter into force on January 1, 2012, established criteria for establishing an NGO, provided details of bookkeeping, centralized the distribution of budgetary resources from public funds appropriated for NGOs, specified criteria for funding NGOs, and stipulated the auditing of donated funds.

During the year human rights activist Aleksandar Zekovic told the media that the Office of the Basic Prosecutor had acknowledged that during its four-year investigation of his allegations that police threatened him, they had not listened to an audio recording of the threats, which he had sent them when he initially reported the incident. Zekovic contended that the audio recording would enable authorities, as it had enabled him, to identify the person who made the threats. The statute of limitations led to the termination of the investigation during the year.

Government Human Rights Bodies.—There is an ombudsman for human rights, who operated without government or party interference, but received inadequate resources. The public awareness of the ombudsman's role increased. The ombudsman was active and established good cooperation with NGOs. Upon finding a violation of human rights or freedoms by a state agency or institution, the ombudsman can take disciplinary measures, including dismissal, against the violator. Failure to comply with the ombudsman's request for corrective action within a defined period of time is punishable by fines of 500 to 2,000 euros ($650 to $2,600).

The ombudsman may investigate alleged human rights violations by government authorities and take measures to remedy them; inspect, without prior notification, all spaces in prisons and other premises where detained persons are held; propose new laws; request from the Constitutional Court an assessment of whether a law violates the constitution or international treaty obligations; provide an evaluation of human rights issues, upon request of a competent body; address general issues that are important for the protection and promotion of human rights and freedoms; and cooperate with other organizations and institutions dealing with human rights and freedoms. The ombudsman may act upon complaints about ongoing judicial proceedings only when the complaints involve delays, obvious procedural violations, or authorities' failure to carry out court decisions.

A law adopted on July 9 permits the ombudsman to represent citizens who complain of discrimination, but not those who allege torture or cruelty. Critics asserted that it failed to define with sufficient precision the ombudsman's responsibilities for protecting personal data and personal documents. The majority of complaints submitted to the ombudsman concerned lengthy procedures before competent state and local authorities and inconsistent or unfounded decisions by local government institutions. The government and the courts generally implemented the ombudsman's recommendations, although with delay.

Although the Assembly's Standing Committee for Human Rights and Freedoms increased its activities and met several times during the year, its contribution was perceived by many observers as insignificant.

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

The constitution and laws prohibit discrimination based on race, sexual orientation, gender, disability, language, or social status. The government did not effectively enforce these prohibitions. Although the Assembly in July 2010 adopted a comprehensive law prohibiting discrimination based on these and other grounds, the Office of the Ombudsman, which is responsible for the law's implementation, lacked the human, technical, and financial resources for its enforcement.

Government efforts to combat discrimination were modest. At the end of May, the Ministry for Human and Minority Rights launched a 75,000 euro ($97,500) campaign to prevent discrimination based on gender, sexual orientation, and disability. A group of NGOs called unsuccessfully for an end to the campaign, claiming that it was superficial, stilted, not focused on actual challenges, and not delivering positive results. In November the government made a final decision to establish an Antidiscrimination Council chaired by the prime minister.

Women.—Rape and Domestic Violence.—The penalty for most forms of rape, including spousal rape, is one to 10 years in prison. In cases where the victim is younger than 14, suffered serious bodily injury, or was the victim of several perpetrators, punishment could be more severe. In practice sentences were generally much more lenient.

Deeply ingrained societal attitudes hampered the prosecution of rape cases. Victims were reluctant to report crimes due to the cultural stigma that attaches to victims and their families. Judges frequently allowed aspersions to be cast upon a victim's character in court proceedings. Three cases of rape and four cases of attempted rape were reported to police during the year. There were no arrests or convictions for spousal rape during the year.

Violence against women, including domestic violence, was a persistent and common problem. NGOs working with abused women plausibly claimed that a significant number of incidents were unreported due to fear of reprisals from attackers or lack of measures to prevent reoccurrence. Official agencies, including police and to some extent the judiciary, appeared to be more responsive to complaints about domestic violence, but observers considered their efforts inadequate.

Domestic violence is punishable by fine or imprisonment, depending on the seriousness of the offense. In 2010, according to judicial authorities, courts convicted 206 persons of domestic violence, of whom 54 received prison sentences, 131 were given suspended sentences, 20 were fined, and one was sentenced to mandatory supervision. During the first six months of the year, police received accusations of family violence involving 151 victims, 142 of them women; police filed criminal charges against 131 individuals, 127 of them men.

Lengthy trials, economic dependence, and lack of alternative places to live often led victims and perpetrators to continue to live together, resulting at times in additional assaults and greater hesitation of victims to report them. NGOs were concerned by the statements of some local politicians that family violence was a private problem in which competent institutions should not interfere. Local NGOs working to combat domestic violence relied to a large extent on international donor assistance. State efforts to protect victims of domestic violence were inadequate. According to NGOs and the ombudsman, female victims of domestic violence often complained that government-run social welfare centers did not respond adequately to their appeals for help. The ombudsman requested that the work of the social welfare centers be improved. Children who were victims of domestic violence were sometimes accommodated in the children's correctional facility in Ljubovic or the orphanage in Bijela.

Authorities generally acknowledged the importance of combating family violence and enacted legislation and introduced administrative measures to this end, but they did not allocate adequate resources and effort necessary to achieve their goals. NGOs operated two shelters for victims of domestic violence in the central part of the country but did not address the needs of victims in the north and other rural areas. Women's advocacy groups worked to combat domestic violence through awareness campaigns and sought to improve women's access to legal services and workshops.

Sexual Harassment.—Sexual harassment is illegal but remained a problem, and society generally tolerated it. Victims were hesitant to report harassment, although police were usually effective in intervening when asked to do so. Although 7.5 percent of employed persons who participated in surveys conducted by the Social Council in March 2010 stated that they had been victims of workplace harassment, no

instances of such harassment were reported during the year to Labor Inspection Unit of the Ministry of Labor and Social Welfare.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There was free access to contraceptives and to skilled attendance during childbirth, including essential obstetric and postpartum care. The government provided free childbirth services.

Women and men received equal treatment in the diagnosis of, and care for, sexually transmitted infections.

Discrimination.—The constitution provides for gender equality. Women have the same legal rights as men in property law, family law, and the judicial system. In practice women did not enjoy equal legal, economic, or social status with men. Traditionally, women rarely inherit property. The NGO SOS pointed out that it was difficult for women to defend their property rights in divorce suits. According to a survey conducted by the NGO, 58 percent of divorced women initiated proceedings for the division of marital property, but only 3 percent of them received property after proceedings, which lasted six years on average. One emerging trend involved husbands in divorce proceedings titling their property in the name of other family members or friends rather than their wives. Traditional patriarchal ideas of gender, according to which women should be subservient to male members of their families, resulted in continued discrimination against women in the home. For example, 84 percent of illiterate persons were women. In rural areas women could not always exercise their right to control property, and husbands occasionally directed their wives' voting.

Widespread, albeit mostly tacit, discriminatory cultural norms prevented women from equal participation in all areas of social development and generally discouraged them from seeking work outside the home. When they did so, they faced discriminatory treatment in the labor market, particularly in the trade and service sectors. Employers frequently violated women's legal entitlement to a 40-hour workweek, overtime, paid leave, and maternity leave. Expectations regarding women's obligations toward the family adversely affected their opportunities for advancement. Harassment at work was often unreported due to the victim's fear of being fired and a lack of information on legal remedies. No all-inclusive statistics were available regarding women in managerial positions, but few women held senior management positions in government or commerce. Men far outnumbered women in senior positions, even though more women had college degrees. Some job announcements openly specified such discriminatory employment criteria for women as age and physical appearance. In the police department, women accounted for only 13.4 percent of the staff and in the army, 8.6 percent. But an increasing number of women served as judges, and there were many women in such professional fields as law, science, and medicine.

Educational opportunities for women from the Romani, Ashkali, and Egyptian communities were limited due to traditional values and societal prejudice. Due to poor education and harsh living conditions, Romani women seldom visited gynecologists or obstetricians, with negative consequences for their health and for infant mortality rates.

Although the law incorporates the general principle of nondiscrimination against women, it does not explicitly address the principle of equal pay for equal work. In practice, women's wages were lower than those of men for comparable work. A distinction between "male" and "female" professions was entrenched. In 2010, according to a February report by the NGO European Movement in Montenegro, women earned an average of 14 percent less than men.

A standing Assembly committee for gender equality, which has 11 members, held nine meetings during the first nine months of the year and proposed various measures for advancing policies and strategies aimed at enhancing gender equality.

Children.—Birth Registration.—Citizenship is derived from one's parents, by birth in the country's territory, through naturalization, or as otherwise specified by international treaties governing the acquisition of citizenship. Roma, Ashkali, and Egyptians registered the births of their children at lower rates than other groups, mostly due to the lack of awareness of the importance of civil registration and a lack of documentation of the parents' identities. Consequently some children in these communities continued to lack birth or registration documentation. Their children were not well integrated into the broader community and discrimination against them remained widespread.

Education.—By law primary education is free and compulsory. Nonetheless human rights observers reported that the government did not undertake adequate efforts to monitor the education of Romani children. In May 2010, according to government data, only 47 percent of the 2,587 children in these communities between the ages of six and 15 were attending primary school. A much smaller proportion continued to secondary and higher education. Impediments often included a lack of knowledge of the language of instruction, poverty, and tradition. Many parents did not want their children, particularly girls, to go to school, preferring that they stay at home and marry at an early age. There were no textbooks in the Romani language.

Tuition for primary education was free, but except for those whose families who benefited from social welfare programs, students' families had to provide books and school supplies. The government provided books for children without parents, those with disabilities, special social cases, and children in the Romani, Ashkali, and Egyptian communities. The ombudsman noted, however, that the government failed to provide sufficient books in a timely fashion to such pupils in higher grades. NGO programs and grants helped provide books and other school resources for Romani, Ashkali, and Egyptian children.

Child Abuse.—There were few reported cases of child abuse. The government took little action to investigate the issue, and the legal requirement that a parent or guardian be present in order for a juvenile to make an allegation of a crime was a particular disincentive to reporting family-related abuse. The country lacked proper facilities for children who suffered from family violence. The ombudsman has noted that social welfare centers failed to provide adequate child protection in a number of cases. During the first nine months of 2010, social welfare centers received complaints about the mistreatment of 72 children belonging to 27 families. A shelter for victims of family violence run by the NGO Safe Woman's House during 2010 accommodated 17 children. In December the Assembly adopted a juvenile justice law which gathered all the provisions on juvenile justice into one law and separated legislation on juveniles from the law for adults. This was intended to improve the treatment of juvenile offenders and provide adequate treatment to underage victims of crime.

Media coverage of crime stories continued to violate the privacy rights of children by publishing details about them, including personal information.

Many Romani, Ashkali, and Egyptian children began to work both at home and in the streets at an early age, typically around age seven, to contribute to the family income. Often, the parents and relatives of Romani children forced them to beg at busy intersections, on street corners, from door to door, and in restaurants and cafes. Many children were from nearby countries. According to the ombudsman's report on child begging in 2010, authorities registered 332 persons aged 10 to 16, begging in the streets, most of whom were non-Montenegrin nationals. But competent authorities failed to report adequately the incidence of child begging, especially in the cities of Berane and Andrijevica, whose officials reported no instances of child begging in the year.

The deputy ombudsman investigated alleged violations of children's rights. The office of the ombudsman received 59 complaints in 2010 and made 11 recommendations to the appropriate authorities, mainly involving socially vulnerable children who had disabilities or were poor, orphaned, or living in institutions. A survey by the NGO Center for Children's Rights in cooperation with 19 other NGOs noted an increase of juvenile delinquency, drug use, and begging, and violence against minors. Romani children remained a particularly vulnerable group, and many problems involving refugee children were still not resolved. Mid-2009 estimates of the number of children with disabilities ranged between 6,000 and 7,000.

Child Marriage.—The minimum age for legal marriage is generally 18, but an individual may legally marry at the age of 16 if a court consents. Child marriage was a problem, particularly in Romani communities, where boys and girls generally married at approximately age 14. These marriages are considered illegal and not officially recognized.

Sexual Exploitation of Children.—The age of consent is 18. There is a statutory rape law. The penalties for rape are higher if the victim is a minor. Child pornography is illegal, and punishment ranged from six months' imprisonment for displaying child pornography to five years for using a child in the production of pornography.

Institutionalized Children.—A March report by the ombudsman, regarding the status of persons with disabilities in the orphanage in Bijela, described conditions for children with mental disabilities as inadequate. Problems included overcrowding, and a shortage of professional staff. Accessibility for persons with physical disabil-

ities was also inadequate. In a report on its 2008 visit to the country released in March 2010, the CPT criticized the treatment of 15 children in the Komanski Most Institution for Persons with Special Needs, where children with mental disabilities were held together with adults in unsanitary conditions and without sufficient supervision to prevent their mistreatment. Since the visit, authorities have taken a number of steps to respond to these criticisms (see Persons with Disabilities).

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The country's Jewish population was small—approximately 18 households—and widely distributed across the country. On July 31, the Jewish Community, an NGO, was established in Herceg Novi with the aim of preserving the traditions and customs of Jewish people. Most of the country's Jewish inhabitants were descendants of persons who fled to the country from Bosnia and Serbia after the beginning of World War II. There were no reports of anti-Semitic acts.

Trafficking in Persons.—See the State Department's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, pensions, allowances, family care and support, buildings, information and communication. The constitution also provides persons with mental disabilities with the right to be placed in adequate residential institutions and the right to foster care and support or other state services. However, societal discrimination against persons with disabilities effectively limited their access to these benefits, and authorities did not actively prosecute infractions. While authorities generally enforced the requirement that new public buildings include access for persons with disabilities, a continuing lack of access to older public buildings, hospitals, and public transportation was a problem.

Although there were some improvements in government efforts to address the rights of persons with disabilities, they remained one of the most vulnerable population groups, often abandoned and marginalized. According to the 2011 census, 11 percent of the population had difficulty performing everyday activities due to illness, disability, or age. The ministries of health, labor and social welfare, education and sports, science, culture, and human and minority rights have responsibilities for protecting the rights of persons with disabilities.

On May 19, the government adopted a law on discrimination against persons with disabilities that complemented the legal framework by specifying the forms of discriminatory actions that were illegal. Authorities improved facilities available to persons with disabilities confined in the Komanski Most Institution for Children with Disabilities. Nevertheless the government announced during the year that a legal deadline requiring all public facilities to be accessible by 2013 would likely be extended.

Discriminatory treatment persisted. Regulations providing protection, encouraging employment, and securing housing for persons with disabilities were not consistently implemented. Although persons with disabilities are entitled to health care within the general health care system, often it was not delivered in a satisfactory manner. For example, a student in the "June 1" center for children and youth complained to the ombudsman that the dentist in the Podgorica clinical center refused to provide her with medical help because the dentist was frightened by her handicap. Disability allowances were inadequate. Education for children with mental and physical disabilities remained inadequate. Many parents turned to the ombudsman because their children had problems in schools; the ombudsman recommended that assistants be introduced as a mandatory requirement for the education of children with special needs. The government continued to implement its plan to construct daycare centers for children with disabilities in all 21 municipalities; six centers were in operation by year's end.

Unemployment remained a serious problem for persons with disabilities. Authorities provide incentives to employers who hire persons with disabilities and penalties for those who do not meet a quota system for employing them. Employers who do not abide by the law must contribute to a fund for helping persons with disabilities, but they often chose this option in the belief that employees with disabilities would be unable to meet the requirements of the job. NGOs claimed that the fund dispensed little money with few visible results and objected to its practice of returning unused funds to the state budget at the end of the budgetary year. The nontransparent use of these funds garnered significant public concern.

NGOs contended that the government was significantly behind in implementing its plan to integrate persons with disabilities.

According to the Association of Young Persons with Disabilities, 10 persons with disabilities were studying at local universities during the year, compared with three in 2001.

Despite laws entitling persons with mental disabilities to accommodation and education in institutions appropriate to their needs, mental health care remained inadequate. Institutionalized persons often become wards of the state and live in isolation in outdated and underfunded treatment facilities. Institutionalization perpetuated stigmatization of the mentally ill. A December 1 NGO report on psychiatric and mental hospitals in Kotor, Podgorica, and Niksic cited many of these deficiencies. At the same time it noted that the authors had observed no instances of the mistreatment of patients.

Partly in response to the CPT's March 2010 report, which detailed the "appalling" mistreatment of residents of the Komanski Most Institution for Persons with Special Needs, authorities initiated or continued a number of improvements in that institution during the year. Physical conditions remained substandard in some respects and staff shortages persisted, but there were improvements in the women's section and cafeteria. A central heating system and video surveillance were installed. Children were separated from adults and men from women. Educational opportunities outside the institution were made available, and more flexible daily activity plans were developed. Use of the isolation room was discontinued and use of leather restraints was strictly limited and recorded in a log.

In June authorities reached an agreement with six NGOs that permits them to make unannounced visits to Komanski Most and the Ljubovic Center for Children and Youth, a correctional facility for juvenile offenders. On November 15, the NGOs presented a report on Komanski Most that noted a significant improvement in the residents' living conditions, primarily due to a change in managing directors (in 2010), as well as additional investment in refurbishment. However, the report found that recent increases in personnel were insufficient to resolve a considerable shortage in staff and health services needed further improvement.

National/Racial/Ethnic Minorities.—The constitution and law on minority rights provide both individual and collective rights for minorities, and these provisions were generally observed for most groups, but Roma, Ashkali, and Egyptians were disadvantaged in access to social services and continued to experience societal discrimination.

According to government statistics, in 2009 more than 50 percent of school-age children from the Roma, Ashkali and Egyptian communities were not integrated into the obligatory primary education system. Those school systems that are integrated often maintain institutional and geographic segregation. For example, the Bozidar Vukovic primary school continued to maintain a remote facility in the Konik refugee camp in Podgorica that was attended only by Romani, Ashkali, and Egyptian students. During the year Romani NGO leaders renewed their request that authorities eliminate this type of de facto school segregation. During an assessment of the country in February, the European Commission against Racism and Intolerance warned that the continued separation of Romani children from children of other ethnic groups would seriously impede the integration of Roma into society.

According to the Fund for Providing Roma Scholarships, an NGO, the primary-school dropout rate for students belonging to these minorities was approximately 50 percent in the 2010-11 academic year. There was some progress enrolling students from these communities in secondary school. The number rose from 37 students in 2009 10 to 65 in 2011-12. Only eight individuals attended university in 2010-11.

According to 2011 census, Roma, Ashkali, and Egyptians constituted approximately 1 percent of the population. According to 2009 U.N. data, approximately 40 percent of them lacked birth or citizenship certificates. Many, including IDPs from Kosovo, lived illegally in squatter settlements, often widely scattered, and lacked such basic services as public utilities, medical care, and sewage disposal. The 2008 Law on Citizenship and its accompanying regulations made obtaining citizenship very difficult for persons without personal identity documents (see section 2 d.). According to the UNDP, approximately 70 percent of Roma were illiterate, 50 percent were unemployed, and 36 percent lived below the poverty level.

Societal prejudice against Roma, Ashkali, and Egyptians was widespread, and local authorities often ignored or tacitly condoned it. Members of these minorities lacked political representation and generally stayed out of politics. They occasionally lacked access to advanced medical professionals, such as surgeons and other specialists, that was available to other residents. According to a study carried out by three NGOs, the Monitoring Center, Juventas, and Cazas, the greatest barriers facing Roma, Ashkali, and Egyptians in the labor sector were inability to speak the national language, lack of education, and employer discrimination. In August the gov-

ernment introduced tax incentives aimed at encouraging private entrepreneurs to hire Roma, Ashkali, and Egyptians.

The government has a formal strategy and action plan for improving the situation of Roma in 2008-12 but took no significant measures to advance it during the year. Authorities appropriated 325,000 euros ($423,000) during the year to implement the action plan, a much smaller amount than envisaged by the strategy. A group of human rights NGOs accused the government of failing to establish the proper mechanisms to monitor funding for projects aimed at the country's Roma, Ashkali, and Egyptian communities.

The Albanian National Council requested new textbooks for Albanian students and more involvement of Albanian authors in writing them.

The leaders of ethnic minority communities continued to allege that the government did not comply with the constitutional requirement of affirmative action for minorities. They asserted that these rights included ethnic representation in the National Assembly and in local self-government assemblies in areas where a minority group forms a significant share of the populations. They also complained that minorities were underrepresented in the government administration, the judiciary, and state-owned economic enterprises. A study conducted in June by the Ministry of Human and Minority Rights showed a large imbalance in the ethnic distribution of public sector jobs. Ethnic Montenegrins, who constituted less than half of the population, held 79 percent of public administration positions. At year's end, there were two Roma in the central administration and none in local government bodies. Nevertheless, amendments to the election law enacted on September 8 to enhance affirmative action gave minorities additional representation in the National Assembly. It applies to minorities that win less than 3 percent of votes and those that constitute 15 percent or less of the population. This law has received mixed reactions from minority communities; ethnic Albanians were displeased that their set-aside Assembly seats were eliminated, while others welcomed the opportunity to have representation in the government.

A government Fund for Minorities financed national councils intended to represent the interests of minority groups. There were national councils for Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma. The fund continued to be the focus of public attention for alleged misappropriation of funds. Authorities provided 800,000 euros ($1.04 million) to the councils during the year to implement specific projects. In March the State Auditing Office reviewed the work of the fund and concluded that its internal auditing system was imprecise and inefficient. Auditors also reported that the fund failed to monitor the implementation of approved projects and did not evaluate their results. The authorities decided to allocate 2011 funds to the councils on October 31, one day before a ban took effect prohibiting participation by members of the Assembly in institutions like the fund (see section 4). On November 10, the NGOs Montenegrin Legal Committee for Human Rights Protection and Civic Alliance sued the members of the fund for embezzlement, claiming that they acted to advance their own personal interests.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Lesbian, gay, bisexual, and transgender (LGBT) persons continued to experience discrimination, ostracism, and social exclusion. The authorities introduced a number of antidiscrimination regulations and showed a better understanding for their rights, but societal antipathy led most LGBT persons to conceal their orientation.

During the year a number of NGOs continued to demand the dismissal of the minority and human rights minister, Ferhat Dinosa, because of his "incompetent, intolerant, and homophobic statements." On March 28, the minister rejected an invitation by LGBT activists to be involved in organizing a gay pride parade and indicated that he opposed the holding of such an event. In a June 14 radio interview, he stated that the government was "ready to protect, but not to promote" the country's LGBT population. Dinosa resigned on November 26 to become ambassador to Albania.

LGBT Forum Progress is the only NGO focused solely on LGBT rights. Another NGO, Juventas, made these rights one of its focus issues. In April, with the support of the UNDP and the Global Network for Funding of LGBT Rights, Juventas opened a counseling center in Podgorica for the LGBT community.

On May 17, organizers of an inaugural pride parade, scheduled for May 31, announced that it would be postponed due to a perceived lack of support from state authorities. They asserted that the government was reluctant to appoint a representative to the event's organization board and to designate an official to march in the parade. The government asked the organizers to reconsider the postponement, asserting that its support for the parade was more significant than its actual participation in it.

A group of NGOs refused to participate in a government-sponsored international conference on LGBT rights on September 2-5 on the grounds that the government had failed to adopt an anti-homophobia action plan or dismiss Ferhat Dinosa from his ministerial position for alleged homophobic remarks.

There were several reports of LGBT-related hate crimes and discrimination. On May 17, a concert organized in support of LGBT rights was halted when an unidentified person threw tear gas, which caused the crowd to disperse. Afterwards a group of hooligans assaulted two individuals they believed to be gay in the center of Podgorica. On August 9, several foreign tourists reported that they were expelled from the beach at Ratac, near Bar, because of their sexual orientation. Observers asserted that many incidents were not reported because victims were reluctant to come forward in light of the lack of understanding by police and other officials. LGBT Forum Progress filed three discrimination complaints during the course of the year. Juventas filed a lawsuit against unknown persons for writing threatening graffiti against the LGBT population on various places in Podgorica in June, July, and August. While the lawsuit lacked names of the perpetrators, the NGO wanted to raise public awareness of these issues.

On November 24, the NGO Center for Civic Education sponsored the first television spot promoting LGBT rights. It included the first publically displayed kiss between two men and triggered sharp reactions, including death threats against one of the actors.

LGBT Forum Progress opened the first LGBT shelter in December with assistance by the Dutch government. To date, it has housed four individuals. The NGO Juventas opened the first online service for reporting homophobic violence.

Other Societal Violence or Discrimination.—There were no reports of violence against persons with AIDS. The NGO Juventas stated that persons with HIV/AIDS were stigmatized and experienced discrimination. Observers believed that fear of discrimination prevented many persons from seeking HIV testing. The NGO Cazas runs the only center for psychological support to assist persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The labor law permits workers the freedom to organize a trade union and to conduct trade union activities without prior consent. The Law on Trade Union Representatives allows unions to engage in collective bargaining and other activities without government interference. The law provides workers the right to strike, except for the military, police personnel, and public servants if they would jeopardize general public interest, national security, safety of people and property, or functioning of the authorities. The law prohibits employer discrimination against union members or those seeking to organize a union, and employers may be fined or sentenced to one year of prison for violating the law. Workers dismissed for union activity have the right to reinstatement. The law provides for the right to bargain collectively.

Under the law collective bargaining agreements cover only the registered workforce. In November 2010 representatives of the government's Social Council, the Union of Employers, and the Confederation of Trade Unions of Montenegro signed amendments to the general collective agreement to align the agreement with the labor law, introducing a minimum wage and other rules regulating collective bargaining. The new collective agreement entered into force on January 1. The Union of Free Trade Unions of Montenegro described the amendments as detrimental to workers, but the Constitutional Court declined its request to review the issue. A December 21 agreement that included both the Confederation of Trade Unions and the Union of Free Trade Unions extended the validity of the General Collective Agreement through June 2012.

The law provides for out-of-court settlements of individual and collective labor disputes. Between September 2010 and December 2011, the agency created to arbitrate such disputes reviewed 356 cases involving 6,000 parties. It decided 296 cases, but in many instances employers failed to abide by the agency's decisions.

None of the protections available to legally registered workers applied to unregistered workers, many of whom came from abroad and did not have employment contracts. According to the national employment agency, between 15,000 and 50,000 unregistered workers (30,000 domestic and 20,000 foreign) were employed during the summer season primarily in construction, trade, tourism, agriculture and catering.

In practice workers frequently exercised the right to strike. Collective bargaining remained at a rudimentary level and was hampered by the fact that only the unions with the largest membership in a given plant could be parties to collective agreements. There were reports from both private and public sector employees that employers threatened or otherwise intimidated workers engaged in union organizing or

other legal union activities. In some cases employees' salaries were cut and some were dismissed. In the case of dismissals, years could pass before workers regained employment due to extensive court delays. The government's efforts to enforce labor law were inconsistent.

In February a trade union protested a decision by the management of Tei Mon Company to fire five workers for their participation in a strike and to hire two workers to replace them. In June the trade union from the Podgorica Aluminum Plant (KAP) complained to the Ministry of Labor and Social Welfare and to the Labor Inspectorate that KAP's management had illegally docked the salaries of employees who were union members. In September a contract soldier was fired from the military forces, allegedly due to his membership in a union.

Many workers in privatized or bankrupt companies had outstanding claims for back payment of salaries and severance pay. Several local governments failed to pay their staff for months on end. Unpaid wages and factory closures led to large-scale strikes. The law provides some recourse, and parties have reached settlements in the past involving some compensation, but these were exceptions. The law requires employers to make substantial contributions to pension, social, and health-care funds. To avoid these payments, employers often did not officially register their employees.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, but there were reports that individuals were trafficked to, from, and within the country for labor, particularly sex trafficking and work in construction. Forced begging by Romani children remained far the most prevalent form of compulsory labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and the government generally enforced these laws and regulations effectively in the formal economy. While the official minimum age for employment is 15, it was common in farming communities to find younger children assisting their families. Children under 18 may not work in jobs that involve particularly difficult physical work, overtime and night work, or underground or underwater work or in jobs that "may have a harmful effect or involve increased risk for their health and lives." The law specifies monetary penalties for violation of these provisions, with fines ranging from 10 to 300 times the minimum wage.

Romani children worked in a variety of unofficial retail jobs, typically washing car windows, collecting items such as scrap metal, or selling old newspapers. Many Romani children engaged in begging. Police asserted that the practice constituted isolated family begging rather than organized begging. In Podgorica and the coastal areas, police continued an initiative aimed at suppressing begging. They arrested and charged several adults with organizing and forcing their relatives, mostly young Romani children, to beg. Police pressed charges against the perpetrators while the children were sent to their families. Observers believed that authorities had insufficient information on the scope and nature of the begging and lacked serious support systems for this operation.

Inspectors from the State Labor Inspector's Office were responsible for enforcing the child labor laws within the formal economy. Apart from begging, which is not considered "work" under the law, inspectors reported no violations of child labor laws during the year. The ministry has 37 inspectors in eight branch offices covering all labor issues. No resources were devoted exclusively to investigating child labor.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—According to the National Statistics Office, in May the average monthly wage, without taxes and contributions, was 479 euros ($ 623), a decrease of 1.6 percent from 2010. The national minimum wage in May was 143.7 euros ($187) per month. The government statistics office estimated that approximately 6.8 percent of the population lived below the absolute poverty line, set at 170 euros ($221) per person per month in 2010, compared with 4.9 percent in 2008. Significant portions of the workforce, particularly in rural areas and the informal sector, earned less than the minimum wage.

The law establishes a 40-hour workweek (except in specified unusual circumstances) and requires an unspecified premium for work in excess of 40 hours. It prescribes a 30-minute daily rest period. Overtime is limited by the Labor Law to 10 hours per week, but seasonal workers often worked much longer. Many work-

ers, particularly in commerce, were deprived of their rights to weekly and annual leave but often did not report the violations of their rights for fear of repercussions.

The use of "temporary" workers was a major issue between trade unions and employers, since employers had considerable leverage over the terms of employment of temporary workers, particularly women, older workers, and those with disabilities. Amendments to the Labor Law adopted on November 24, restricted "temporary" employment to two years. The Ministry of Labor and Social Welfare and the Union of Free Trade Unions of Montenegro had various interpretations about the date when the amendments were to enter into force.

The government establishes health and safety regulations in the workplace. It requires employers to supply and enforce the use of safety equipment and to report any serious workplace deaths or injuries within 24 hours. Authorities did not strictly enforce the requirements, and both employers and workers violated health and safety rules, particularly in the construction industry. The machinery and tools used at construction sites were often not maintained properly, which increased the risk of injuries. The Ministry of Labor and its inspection department lacked adequate resources to enforce workplace safety. Training was provided for labor inspectors, and awareness-raising activities increased during the year. In practice workers often lacked safety equipment, especially in the construction and wood-processing industries. During the year there were five deaths and 24 serious injuries at work, mostly at construction sites and wood-processing facilities. During the year authorities conducted 3,169 inspections of safety at workplaces and found 3,128 violations of safety regulations. The most frequent reasons cited for injuries were lack of work-related training, inadequate medical care for workers, and old equipment.

Despite these shortcomings, enforcement efforts continued. Labor inspectors have legal authority to close an establishment until violations are corrected. In cases of repeated violations, the owners can be fined. Inspectors found violations involving labor permits and contracts, worker compensation, employee contributions to social insurance, and payment of severance. During the year inspectors conducted 13,215 inspections, found 8,069 irregularities, closed workplaces in 708 cases, levied 2,582 on-the-spot fines for lesser violations, and filed 215 misdemeanor charges and criminal charges in six cases.

NETHERLANDS

EXECUTIVE SUMMARY

The Kingdom of the Netherlands, which includes the Netherlands, Aruba, Curacao, and St. Maarten, is a constitutional monarchy. The Netherlands (the term used to designate the European part of the kingdom and the Caribbean islands of Bonaire, Saba, and Sint Eustatius) has a bicameral parliament; a first chamber (the Senate) is elected by the country's 12 provincial councils and a second chamber (the House of Representatives) by popular vote. A prime minister and a cabinet representing the governing political parties exercise executive authority. General elections held in June 2010 were free and fair. Aruba, Curacao, and St. Maarten have unicameral parliamentary systems and are largely autonomous, except in foreign policy and defense. The Kingdom of the Netherlands is responsible for safeguarding fundamental human rights and freedoms in its territories.

In a country with no widespread or systemic abuses, the most salient human rights problem was societal animosity toward certain ethnic and religious groups, particularly Muslim immigrants from North Africa and the Middle East. In Aruba, Curacao, and St. Maarten, prison conditions remained substandard in some respects.

In the Netherlands, authorities prosecuted individuals during the year for violations of a law prohibiting public speech that incites hatred or discrimination, although there were no reported convictions. There were reports of violence against women and children, anti-Semitic incidents, societal discrimination and violence against some religious and ethnic minorities, and trafficking in persons for sexual exploitation and forced labor.

The government took steps to prosecute officials who committed abuses, and there were no indications that impunity existed.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—In the Netherlands, prison and detention conditions generally met international standards; in Aruba, Curacao, and St. Maarten, prison conditions remained substandard in some respects. The government permitted visits by independent human rights observers but none occurred during the year.

In the Netherlands, as of September 2009, 11,682 adults were in detention, approximately 7 percent of them women. These figures exclude 2,000 persons undergoing treatment at Forensic Psychiatric Centers and about 1,500 persons held in alien detention. In 2009 a daily average of 713 juveniles were in detention. The occupancy rate in prisons was approximately 86 percent. The capacity of prisons and detention centers was 12,600 for adults and 1,310 for juveniles. No figures were available on the prevalence of deaths of detainees in prisons or pretrial detention centers.

As of October, 246 persons, approximately 6 percent of them women, were in detention in Aruba; the occupancy rate was an estimated 65 percent.

In St. Maarten 138 persons were in detention, approximately 3 percent of them women; the occupancy rate was 96 percent. In Curacao, 502 persons were in detention, approximately 5 percent of them women; the occupancy rate was about 71 percent.

In all territories prisoners had access to potable water. A "supervisory committee" was available to hear the complaints of any prisoner. There were no reports of inadequate recordkeeping or that female prisoners were treated worse than males. In the Netherlands, alternative punishments such as fines, community service, or electronic house arrest were common for less serious offenses. There was no available information on alternative sentencing possibilities in Aruba. In Curacao there was a small-scale program to place selected individuals under house arrest and monitor them electronically. Authorities in St. Maarten had the option of imposing community service and fines as punishment for nonviolent offenders, and they made use of this option during the year.

In all territories authorities monitored prison and detention center conditions. Authorities permitted prisoners and detainees to receive visitors. Prisoners were permitted religious observance. They could submit complaints to a supervisory committee, to the penitentiary institution's official who decides on the placement of prisoners, or to the prison system's complaint commission. In many cases complainants had the option to appeal. Authorities addressed complaints adequately with respect for due process of law.

Authorities permitted visits by independent human rights observers. No visits occurred during the year.

In Curacao and St. Maarten, authorities did not increase prison capacity sufficiently to allow separate facilities for juvenile offenders. Judges may sentence juveniles under the age of 16 who have committed serious offenses to prisons where they serve time together with adults. However, there was one cell block at the prison in Curacao reserved for youth offenders.

In St. Maarten, inmates struck briefly in April over a Public Prosecutor's Office decision to send two inmates to prison in Bonaire.

In 2009 the U.N. Human Rights Committee cited reports describing prison conditions in Bon Futuro Prison and Bonaire Remand Prison as "extremely harsh." However, improvements continued as a result of a 2008 allocation of eight million euros ($10 million) by the Netherlands government. The Council of Europe's Committee for the Prevention of Torture's (CPT's) 2009 report cited improvements in the prisons in Curacao and St. Maarten, including the opening of a youth section in St. Maarten. Authorities completed the renovation of the Bonaire detention center in 2009 in accordance with CPT standards. A $2 million renovation of Bon Futuro Prison continued during the year. Curacao authorities completed work on a construction and renovation project for separate holding facilities for undocumented foreign nationals in Curacao. Also in Curacao construction of new entry and exit facilities was nearing completion. Construction of a workshop for prisoner activities continued, and some equipment from the Netherlands was already on site. Staffing at the Curacao prison remained insufficient. The prison director in St. Maarten indicated that prison staffing there was sufficient.

In February inmates from the KIA Prison in Aruba sued the prison authorities because of overcrowding. The Aruba Court of First Instance ruled in favor of 150 prisoners, but the judge gave prison management six months to improve the health and hygiene deficiencies that led to prisoner unrest.

The Aruba Public Prosecutor's Office announced an investigation into possible use of excessive violence by police during their intervention in a prisoners' protest in February. One prisoner was injured and taken to the hospital.

In June the St. Maarten Inmates Association demanded improvement in inmates' living conditions and the availability of health care. They based their demands in part on two court orders dating from 2007 requiring authorities to renovate the prison at Pointe Blanche. Nonetheless, there were reports that authorities did not implement the renovations, even though funds were allocated. In April the government allocated funds to finance staff recruitment at the prison. Construction was completed during the year on separate holding facilities for undocumented foreign nationals.

The Dutch government agreed to finance staff recruitment to strengthen St. Maarten's government. New personnel were being hired to fill vacancies in the Police Force, Detectives Bureau, Pointe Blanche Prison, and Immigration Services among others.

d. Arbitrary Arrest or Detention.—The law prohibits such actions, and the government generally respected these prohibitions in practice.

Role of the Police and Security Apparatus.—In the Netherlands, the Ministry of Security and Justice oversees law enforcement, as do the justice ministries in the Caribbean territories. Civilian authorities maintained effective control over the regional police forces, which have responsibility in law and practice for law enforcement, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—A prosecutor or senior police officer must order the arrest of any person, other than one apprehended on the spot for alleged transgressions. Police may question suspects for a maximum of 12 hours (six hours in Aruba, Curacao, and St. Maarten) and detain them for up to three days (two days in Aruba, Curacao, and St. Maarten), with the possibility of an additional three-day extension in cases of "urgent necessity," by order of the public prosecutor without the permission of a magistrate. By the fourth day (the third day in Aruba, Curacao, and St Maarten), the prosecutor must bring detainees before an examining magistrate for questioning and a decision whether to extend detention for another 14 days. The court subsequently reviews the validity of continued detention every 90 days. Extensions depend on progress in the preliminary investigation. Authorities must promptly inform detainees of the charges against them.

In the Netherlands, in terrorism-related cases, the examining magistrate may order detention for the first 14 days on the lesser charge of "reasonable suspicion" rather than "serious suspicion" required for other crimes.

By law suspects have the right to consult an attorney. Nonetheless, in the Netherlands lawyers were not commonly present during the questioning of an adult suspect. The Justice Department established pilot projects to test the practice of having an attorney present during the initial detention and questioning of an adult suspect. In the Caribbean territories a system existed to provide legal aid to indigent detainees, but lawyers did not always appear before questioning began. Authorities in Aruba indicated that if a detainee requested a lawyer, no interrogation would take place without one unless the seriousness of the case dictated otherwise.

There is no provision for bail, but authorities avoided lengthy detention before trial unless there were compelling reasons to keep a person in custody. In Aruba the law requires trials to begin no later than three months after arrest. There was no information on the average length of detention, but as of October, 44 percent of the prison population in Aruba consisted of pretrial detainees.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are not used. The law requires that authorities fully inform defendants about the proceedings at every stage. In criminal trials the law provides for prompt access to counsel (inexpensively for persons with low incomes), the presumption of innocence, and the right to appeal. The accused is not present when the examining magistrate examines witnesses, but an attorney for the accused has the right to question them. In most instances defendants and their attorneys have access to government-held evidence relevant to their cases, but in certain cases involving national security, special procedures permit an examining judge to assess the reliability of official intelligence reports without exposing the identities of intelligence officers or releasing confidential intelligence information to the public or the defendant. In such cases

the defense has the right to submit written questions to these witnesses through the examining judge. The law extends the above rights to all citizens.

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

Regional Human Rights Court Decisions.—The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). The government was responsive to ECHR decisions. During the year the ECHR issued six judgments in cases involving the Netherlands and found violations in four of them.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Individuals may bring lawsuits for damages related to a possible human rights violation before the regular court system or specific appeal boards. Once individuals exhaust national remedies, they may appeal to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—*Status of Freedom of Speech and Press.*—The law provides for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech.—While freedom of expression was generally respected, it is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or disability. There were no reports of successful prosecutions during the year. Convictions were rare because courts were reluctant to restrict freedom of expression, especially when it took place within the context of a public debate.

On June 23, the Amsterdam District Court acquitted Freedom Party leader Geert Wilders of offending, inciting hatred toward, and discriminating against, Muslims. Although the court found some of Wilders' anti-Islamic and anti-immigrant statements "rude and disparaging," it did not regard them as "inflammatory" or inciting to hatred and discrimination, given the political context in which they were made. The court noted that prevailing jurisprudence permitted criticism of a religion and the behavior of supporters of a religion.

Freedom of Press.—Disputes occasionally arose over journalists' right to protect their sources. As of year's end, the government had not brought Dutch law into compliance with a 2010 ECHR ruling that it should strengthen the legal protections of journalistic sources by providing for an obligatory review by a judge or other independent and impartial decision-making authority, rather than a less independent examining magistrate, before police or the public prosecutor could compel the journalist to reveal their sources.

Internet Freedom.—There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. However, authorities continued to pursue policies to prevent what they considered to be incitement to discrimination on the Internet. There were a number of convictions on these grounds. For example, on January 11, the Utrecht District Court convicted an 18-year-old for offending Jews on the Internet and sentenced him to 80 hours of community service, partly at the Anne Frank House in Amsterdam.

Police maintained a list of Web sites they judged to be purveyors of child pornography and reviewed the list periodically. All major domestic Internet service providers have agreed not to permit access to those sites.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected

these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit.—Authorities denied asylum to persons who came from so-called safe countries of origin or who had resided for some time in safe countries of transit. They used EU guidelines to define such countries. Applicants had the right to appeal the denials. The government did not return asylum seekers under the Dublin II Regulation to Greece following a January 21 ruling by the ECHR against Belgium and Greece. Instead, these applications, numbering approximately 1,950, were processed in the Dutch asylum procedure.

Nonrefoulement.—Authorities gave serious attention to the prohibition of refoulement. Decisions on deportations to countries or localities where, in the opinion of some specialists in refugee matters, safety from persecution was not assured were made in close consultation with the Foreign Ministry and international human rights organizations. At times the UNHCR and nongovernmental organizations (NGOs), including Amnesty International, objected to government efforts to return persons to countries such as Iraq, Afghanistan, and Somalia, where, in the opinion of those organizations, they might be at risk. In response to objections authorities imposed a moratorium on deportations to parts of Somalia.

During the year the government twice forcibly returned groups of unsuccessful Iraqi asylum seekers to Baghdad in defiance of a ruling by the ECHR and the opinion of the UNHCR. The Immigration Service declined to disclose exact numbers, but the Dutch Refugee Foundation estimated their number at 30 to 50. The government stated that it carefully considered in a lengthy review process whether there were reasons to believe that the selected individuals to be deported faced any personal risk if returned. The immigration minister acknowledged that Iraq was not a safe country for all, but he asserted that it was not unsafe for everyone who is sent back. The Dutch have no mechanism to monitor those who are repatriated to Baghdad. In November the government of Iraq imposed new documentary requirements that held up a third group of involuntary deportations from the Netherlands.

In the year ending in November, authorities deported approximately 40 persons to Afghanistan, despite UNHCR objections to such deportations. The government relied upon a memorandum of understanding with Afghanistan that permitted involuntary deportation provided relevant humanitarian issues were taken into consideration. Authorities indicated that they deported no one who they believed would be incarcerated upon return.

Access to Basic Services.—Asylum seekers awaiting a decision on their application are granted access to basic services, including education, health care, and legal assistance. They are also permitted to work a maximum of 24 weeks a year. Persons with refugee status have full access to all public services.

Durable Solutions.—There is a policy of accepting up to 500 refugees from third countries each year for permanent settlement. The number of such refugees accepted during the year was not available.

Temporary Protection.—Following criticism by NGOs and the UNHCR, the government made an exception to its 2010 decision not to grant protection to categories of aliens based on country conditions, gender, and other factors. For example, it imposed a moratorium on deportations to Mogadishu, Puntland, and Somaliland and reportedly took "extra care" before deporting persons to southern and central Somalia. In April the minister for immigration temporarily suspended the repatriation of failed asylum applicants from Libya. This was believed to affect approximately 70 Libyans.

Stateless Persons.—According to UNHCR statistics, there were 2,061stateless persons in the Netherlands at the end of 2010, including about 1,000 immigrant Roma and an unspecified number of Malaccans, who decline the citizenship either of the Netherlands or any other country of possible allegiance for historical political reasons.

Citizenship is based primarily on the mother's citizenship. The parliament has revised the law governing citizenship on several occasions in an effort to resolve and prevent statelessness, including by providing the opportunity to gain Dutch citizenship.

Stateless persons have no access to public services except emergency health care.

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

The law provides citizens with the right to change their government peacefully, and citizens in all parts of the kingdom exercised this right in practice through periodic free and fair elections based on universal suffrage.

Elections and Political Participation.—Recent Elections.—In the Netherlands, elections for provincial legislative bodies took place on March 2, and the provincial legislatures subsequently chose a new upper house of parliament on May 23. The members of the lower house were elected by popular vote in June 2010. These elections were all considered to be free and fair. The most recent governmental elections in the Caribbean portions of the kingdom were also free and fair.

Participation of Women and Minorities.—There were 61 women in the 150-seat Second Chamber of parliament. Of the 20 cabinet members, four were women. Seventeen members of the second chamber of parliament were of immigrant descent, including six of Turkish and five of Moroccan descent. Women also held positions in the parliaments and cabinets of the Dutch Caribbean Islands, including the position of prime minister of St. Maarten.

Section 4. Official Corruption and Government Transparency

The laws provide criminal penalties for official corruption, and the government generally implemented the laws effectively. There were isolated reports of government corruption during the year.

The government pursued an active anticorruption policy coordinated by the Internal Affairs Ministry's Bureau for Promotion of Integrity of the Public Sector. The National Criminal Investigation Service coordinated investigations under the supervision of the national prosecutor for corruption. There are no laws requiring financial disclosure; however, for most senior positions, every organization has its own regulations to avoid conflicts of interest.

The law provides for public access to government information, and authorities generally respected that right. When authorities denied information requests, they provided reasons based on the law. Those seeking information could appeal any refusal to the regular courts. Disputes occasionally arose in court over the scope of the government's right to withhold information in the public interest.

Following public allegations of corruption in Curacao, a special Dutch investigator produced a report suggesting the possible involvement of several cabinet members in corrupt activities. The Curacao government refused to pursue a Dutch request for further investigation into these allegations and asserted that the Dutch investigator's report included unfounded accusations and "useless information." This response contributed to heightened concern among many citizens about the quality of governance. The kingdom's government retains oversight over some areas, including aspects of the judiciary (such as the Supreme Court), and "kingdom matters," including human rights, the rule of law, and good governance. However, the Dutch see intervention as a last resort, while the Curacao government suggested that the Dutch right to intervene should be drastically changed in ways that would both simplify and minimize outside oversight.

There were no reports of corruption on other Dutch Caribbean islands, although unsubstantiated claims and presumptions of corruption persist on some islands.

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

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

Government Human Rights Bodies.—A citizen may bring any complaint before the national ombudsman, the Equal Opportunity Commission (CGB), Commercial Code Council, or the Council of Journalism, depending on the circumstances. In April the parliament agreed to the establishment of an independent human rights institute as principal contact for domestic and international human rights organizations.

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

The constitution prohibits discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the government generally enforced these prohibitions.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, domestic violence, female genital mutilation (FGM), and sexual harassment, and the government effectively prosecuted such crimes. The penalty for

rape is imprisonment not exceeding 15 years, a fine, or both. The maximum sentence for marital rape is eight years in prison. Spousal abuse carries a penalty that is one-third more severe than ordinary battery. Police records indicated that approximately 3 percent of spousal abuse cases reported to police resulted in arrests.

In 2009, according to a joint report on crime and law enforcement published by the Research and Documentation Center of the Ministry of Justice and the governmental Statistics Netherlands (CBS), there were 7,438 registered cases of rape, sexual assault, and other sexual crimes. During the same year, courts reached verdicts in 1,040 cases, of which 831 were convictions. The average prison sentence for convicted rapists was one year.

The government continued to implement a 2008-11 national action plan to intensify the fight against household violence that included increased funding for shelters; the introduction of temporary restraining orders on perpetrators; the development of a mandatory code for professionals working in health and child care, education, and other welfare sectors to report possible signals of domestic violence and child abuse; and the launching of public awareness campaigns. In Aruba, the criminal code specifies additional penalties for violent offenses when committed against family members.

The government provided support to the national organization Movisie, which assisted victims of domestic and sexual violence and trained police and prosecutors in investigating and prosecuting related crimes. The government subsidized shelters for battered women. Mayors may impose temporary restraining orders on perpetrators of household violence; police figures indicated that mayors nationwide issued 2,935 restraining orders in 2010. There was a national hotline for people directly or indirectly affected by domestic violence.

Female Genital Mutilation (FGM).—This procedure reportedly was practiced in some immigrant communities (see section 6, Children).

Other Harmful Traditional Practices.—The government has addressed the problem of honor-related violence vigorously and continued a five-year program started in 2006 to combat honor violence that focused on prevention, protection, and criminal prosecution. In 2008 the government set up a center within the regional police department in The Hague. Accessible seven days a week and 24 hours a day, the center developed a checklist to help the police and other professionals identify honor violence cases.

Sexual Harassment.—The government continued a public-awareness campaign and took measures to counter sexual harassment among civil servants; no information was available on their effectiveness. The Working Conditions Act commits employers to protect employees against aggression, violence, and sexual intimidation. Complaints against employers who fail to provide sufficient protection can be submitted to the CGB. Victims of sexual assault or rape in the workplace must report the incidents to police, since they are criminal offenses.

Sex Tourism.—There was sex tourism both in the Netherlands and the Dutch Caribbean islands. Authorities monitored legal sex tourism to minimize health risks to both tourists and prostitutes.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide the number, spacing, and timing of their children and to have the information and means to do so. There were no restrictions on the right to access contraceptives. The government provided skilled attendance during childbirth, including obstetric and postpartum care. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination.—Under the law women have the same rights as men, including rights in family law, property law, and the judicial system. Female and male unemployment rates were 6 and 5 percent, respectively. The Ministry of Social Affairs and Employment reported that the higher rate of unemployment among women, their reduced chances for promotion, and their generally lower-ranking positions resulted primarily from their engagement in part-time employment. According to the CBS, the average hourly wage of female employees was 81 percent that of their male colleagues in 2009.

The government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women. In 2010 the CGB received 406 complaints of discrimination, 16 percent of which related to gender.

Children.—Birth Registration.—Children obtain citizenship primarily through their mothers. There were no reports that significant numbers of newborns were not registered in a timely fashion.

Child Abuse.—The Ministry for Youth and Family estimated in September 2010 that 107,000 children were abused annually, but fewer than 50 percent were known to professional organizations. Experts estimated that approximately 50 to 80 children died each year from some form of abuse. The requirement that physicians report child abuse overrides professional confidentiality. In 2009 the government launched a two-year publicity campaign to encourage the public to report signs of possible child abuse; in 2010 the Child Abuse Center received almost 62,000 reports of possible child abuse, compared to 60,000 in 2009. Despite increased government funding for the Council for the Protection of Children, there still were long waiting lists for assistance.

Other Harmful Traditional Practices.—The law prohibits FGM. The maximum penalty is 12 years in prison. Its prevalence among women and girls from high-risk countries was high. A study published by the Ministry of Health indicated that in 2008, 470 of the 1,200 pregnant women and girls from Somalia, Ethiopia, and Egypt examined by midwives had undergone FGM. Most FGM procedures take place in the native countries of the parents of victims. Under a long-term strategy to combat FGM, the Health Ministry has committed more than one million euros (approximately $1.3 million) annually to information campaigns aimed at at-risk groups and at professionals whose occupations bring them into contact with immigrant girls. These funds were also used for projects designed to engage key individuals in communities where FGM occurred. For example, in March the state secretary for health and welfare released a statement emphasizing the 12-year prison sentence for FGM. It was cosigned by immigrant organizations, medical authorities who treat children, and local public health authorities and was intended for distribution among affected communities and medical authorities in hope of countering social pressures to undergo FGM.

Sexual Exploitation of Children.—The penalty for forcing a minor to engage in prostitution is imprisonment for up to eight years or up to 12 years if the victim is under 16. The minimum age of consent is 16 in the European Netherlands and 15 in St. Maarten and Curacao. The penalty for statutory rape is imprisonment not exceeding 15 years, a fine, or both.

Throughout the kingdom the law prohibits production, possession, and distribution of child pornography. In the Netherlands, the maximum penalty for these offenses is eight years' imprisonment, while the penalty for accessing child pornography on the Internet is four years in prison.

International Child Abductions.—The Netherlands is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, but the convention does not apply to Aruba, St. Maarten, or Curacao.

Anti-Semitism.—The Jewish population in the Netherlands numbered approximately 50,000.

Anti-Semitic incidents, including threats, verbal abuse, and the desecration of monuments and cemeteries, continued to occur and to be widely reported in the media. The Hague-based NGO Center for Information and Documentation on Israel, which reported 124 incidents in 2010, qualified the number as substantial. However, serious incidents remained rare. The frequency of incidents appeared to be correlated partly with the political situation in the Middle East. Explicitly anti-Semitic sentiments were widely expressed among certain segments of the Muslim community, pro-Palestinian groups, and fringe nationalist and neo-Nazi groups.

In its report covering 2010, the government-sponsored, but editorially independent, Registration Center for Discrimination on the Internet (MDI) stated that it received 414 reports of anti-Semitism on the Internet, of which it considered 212 to be punishable, including 68 instances of Holocaust denial. The MDI forwarded the most egregious cases to the prosecutor's office. Authorities prosecuted a number of cases during the year. The MDI noted that, although the Web sites of right-wing extremists were well represented, the majority of instances of punishable anti-Semitic expressions were on mainstream, interactive sites. Some of the sites were located outside the country.

Expressions of anti-Semitism also occurred throughout the year during soccer matches. In March fans in the ADO soccer club chanted, "Hamas, Hamas, all Jews be gassed," and other anti-Semitic slogans during a match. As a result the ADO soccer club was censured by a court in The Hague following a suit brought on by the Combat Anti-Semitism Foundation.

Authorities continued to implement an action plan "Combating Discrimination," adopted in 2010 to combat discrimination in general and anti-Semitism in particular. The plan underlined the importance of cooperation between authorities and Jewish and non-Jewish organizations at the local level. The government continued

to sponsor the Jewish Moroccan Network Amsterdam, which sought to reduce tensions between Jews and Moroccans.

There were no reports of anti-Semitic incidents in the Caribbean parts of the kingdom.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—Discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services is illegal in all parts of the kingdom. The law requires that persons with disabilities have access to public buildings, information, and communications, but public buildings and public transport often were not easily accessible in practice. The law provides penalties for discrimination, but government enforcement was inadequate, and there were some reports that such discrimination occurred. Of the 406 complaints of discrimination the CGB received in 2010, 17 percent related to persons with disabilities. Almost 30 percent of these concerned insufficient facilities for children with disabilities at schools. Although CGB rulings are not binding, authorities usually implemented them.

National/Racial/Ethnic Minorities.—The kingdom's constitution prohibits racial, national, or ethnic discrimination in all kingdom territories.

In the Netherlands, members of minority groups experienced verbal abuse and intimidation and were at times denied access to public venues, such as discotheques.

A Muslim community of approximately 850,000 persons faced frequent discrimination. Members of immigrant groups also faced discrimination in housing and employment. According to the CBS, in 2010 the minority unemployment rate (11 percent) remained roughly three times that of the ethnic Dutch workforce (4 percent), while the unemployment rate among minority youths was 26 percent compared to 11 percent for native Dutch youths.

The government pursued an active campaign to increase public awareness of racism and discrimination and conducted a national campaign to counter discrimination and improve the reporting of hate crimes, including hate speech, through a special Web site.

Both the government and NGOs actively documented instances of discrimination, and the government's National Diversity Expertise Center (LECD) worked to register, evaluate, and prosecute cases. Organizations involved in combating discrimination voiced concern about the reluctance of victims to report incidents. In 2010 the LECD registered 170 offenses of discrimination. Of these, 43 percent related to race and 43 percent to religion (36 percent against Jews, 7 percent against Muslims). During the same year officials dealt with 171 offenses, brought 121 indictments, obtained 90 convictions, and entered into 17 out-of-court settlements.

In 2010 the MDI recorded 684 instances of "punishable" discrimination on the Internet, a significant increase from 2009. Of these, 296 qualified as racial, ethnic, or both. Those responsible removed most (89 percent) of the offending sites voluntarily when requested by the MDI to do so. The MDI reported three cases to the prosecutor's office; prosecutors obtained several convictions.

Most defamation cases filed in criminal courts involved race. Persons who were not ethnically Dutch also filed civil lawsuits alleging discrimination in the supply of such services as cell phones and access to clubs. The CGB focused on discrimination in the labor market, including discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—In the Netherlands, there was no legal or governmental discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, and no legal or governmental impediments to the organization of gay events. During the year the Justice Ministry reported a rise in harassment, mostly verbal abuse, of LGBT individuals, partly as a result of government campaigns urging victims to report incidents. Police placed a high priority on combating violence against gay men.

There were no laws in the Caribbean portions of the kingdom that discriminate against LGBT persons; however, Caribbean society has remained much less tolerant of the LGBT community. There were no known cases of abuse or violence against LGBT persons.

Other Societal Violence or Discrimination.—There were no reports of societal violence against persons with HIV/AIDS. The government sponsored a national campaign against societal stigmatization of persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form or join independent unions of their own choosing without prior governmental authorization or excessive requirements. It permits them to conduct legal strikes and engage in collective bargaining, and allows unions to conduct their activities without interference. The law prohibits antiunion discrimination, and regulations prohibit retaliation against legal strikers. Public-sector workers generally have the right to strike, but a magistrate may forbid a strike that threatens the public welfare or safety. For example, magistrates have often prohibited police strikes because of the essential services police perform. Authorities effectively enforced the rights to organize and strike, and workers exercised them in practice. There were no reports that employers frequently refused to bargain. Worker organizations are independent of the government and political parties. There were no reports of antiunion discrimination or other forms of employer interference in union functions.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, and the government enforced such laws. The Netherlands Labor Inspectorate conducted approximately 11,000 inspections at many high-risk workplaces during the year. However, there were reports that such practices occurred. In the Netherlands men and boys from abroad were forced to work in domestic service, temporary employment agencies, agriculture and horticulture, restaurants, catering, food processing, hotels, and construction. In Curacao authorities believed that migrant laborers may have been forced to work in construction, landscaping, and shops. In Aruba forced laborers included men and women working in supermarkets, Indian men in the jewelry sector, and Caribbean and South American women in domestic service.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16 years. Special rules apply to schoolchildren 16 and 17 years of age. For example, the law prohibits persons under the age of 18 from working overtime, at night, or in activities dangerous to their physical or mental well-being. A tripartite labor commission composed of representatives from the government, enterprises, and unions monitored hiring practices and conducted inspections. The commission enforced the laws effectively.

Holiday work and after-school employment are subject to very strict rules set by law. The Ministry of Labor's inspection office, which is responsible for enforcement, found during the year that 75 percent of companies employing holiday workers and children younger than 18 complied with regulations.

d. Acceptable Conditions of Work.—In the Netherlands, the minimum wage for an adult was 1,435 euros ($1,857) a month. The official poverty level in 2009 was 1,750 euros ($2,264) a month for a family of four. In Aruba, the monthly minimum wage was 1,543 Aruba florins ($862). The official poverty level was 1,295Aruba florins ($724). In Curacao the minimum wage was 1,304 Antillean florins ($729), and the official poverty level was 4,169 Antillean florins ($2,330). The official minimum wage in St. Maarten was 1,378 Antillean florins ($770). No poverty-rate information was available for St. Maarten. Poverty levels are based on a family of four with two children under the age of 16.

Dutch law establishes a 40-hour workweek. Persons who work more than five hours a day are entitled to a paid 30-minute rest period. Overtime is regulated. The labor inspectorate effectively enforced the labor laws. Compulsory overtime is not permitted by law. There are six national holidays. A tripartite labor commission actively monitored and effectively enforced working conditions, including comprehensive occupational safety and health standards set by law. The Ministry of Labor and Social Affairs also monitored standards. The Social Intelligence and Inspection Service had 1,179 full-time positions.

Workers in the significant underground economy enjoyed neither the minimum wage, nor any of the other legal, administrative, or safety protections available to other workers. The underground economy was primarily based on the horticultural and agricultural sectors and consisted primarily of undocumented workers from Eastern Europe.

NORWAY

EXECUTIVE SUMMARY

Norway is a parliamentary democracy and constitutional monarchy. The country is governed by a prime minister, a cabinet, and a 169-seat parliament (Storting) that is elected every four years and cannot be dissolved. Free and fair elections to the multiparty parliament were held in 2009. Security forces reported to civilian authorities.

In a country where there were few abuses, violence against women was a continuing societal problem.

Other problems reported during the year included use of police holding cells to detain arrestees for longer periods than permitted by law and occasional incarceration of juveniles in adult prisons. There were also reports of some anti-Semitism, as well as stigmatizing rhetoric against immigrants and Muslims, particularly on the Internet.

There were no reports of officials committing abuses in the security services or elsewhere in the government during the year.

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

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

b. Disappearance.—There were no reports of politically motivated disappearances, abductions, or kidnappings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions mostly met international standards. Prisoners had access to potable water, and the government permitted visits by independent human rights observers. Research from the Correctional Services Academy indicated that 56 men and three women committed suicide in pretrial detention or prison between 1990 and 2007. More recent figures were not available.

In December the Council of Europe's Committee for the Prevention of Torture (CPT) found seven juveniles being held in adults' prisons. It noted the efforts by authorities to ameliorate the juveniles' conditions and the construction of new, separate detention facilities in some places, but called the situation of a juvenile in Bjorgvin Prison in Bergen "still far from satisfactory." The bar association estimated that nearly half of persons arrested in 2010 were kept in holding cells for longer than the 48 hours permitted by law. Police holding cells were austere and designed for short stays and a transient inmate population. Authorities did not maintain comprehensive statistics of the use of police holding cells nationwide, a fact that the parliamentary ombudsman, the Norwegian Bar Association, the Norwegian Center for Human Rights, and the Children's Ombudsman criticized.

As of May 1, there were 3,602 prisoners in the country, 5.8 percent of whom were women and 0.2 percent juveniles. The combined total prison capacity in the country is 3,826. The country had 44 prisons, of which three were separate prisons for women. In addition, eight other prisons had women's departments with a total of 71 places. A number of other prisons in the country could accommodate women as needed.

Most prisons in the country contained separate cells for pretrial detainees. The Trandum detention center for foreign nationals awaiting deportation had space to house 150 detainees, but since mid-2010 authorities maintained a maximum limit of 70 detainees. Other than Trandum center and police station holding cells, the country had no separate detention facilities. Authorities reported electronically monitoring 1,001 offenders in 2010, of which 47 were transferred to detention centers after breaching the rules.

An ombudsman, who could visit at a prisoner's request or at the ombudsman's own initiative, represented prisoners. The ombudsman does not act on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders; only the courts handle sentencing. The ombudsman may conduct investigations and express a legal, nonbinding opinion on whether public authorities have erred or committed any injustice. The ombudsman also may serve on behalf of prisoners and detainees concerning the status and circumstances of confinement of juvenile offenders but received few complaints on this issue.

The government permitted monitoring visits by independent human rights groups, the media, and the International Committee of the Red Cross. The CPT conducted

a periodic visit on May 18-27, during which it inspected six prisons and four police headquarters, including Trandum. Its report, released on December 21, noted that there was a relaxed atmosphere in the country's prisons, and that prison staff appeared to be well trained and very professional. Committee members spoke with arrestees and convicts and received no allegations of ill treatment or unnecessary use of force. The CPT recommended that the government increase its effort to stop detaining persons in police holding cells after they had been remanded in custody and to provide timely access to a lawyer to all arrestees. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions; there were no such complaints or allegations during the year through December.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and there were no reports during the year that the government failed to observe these prohibitions.

Role of the Police and Security Apparatus.—The national police have primary responsibility for internal security. The police may call on the armed forces for assistance in crises. In such circumstances the armed forces are under police authority. The Ministry of Justice and Police oversees the police force.

Civilian authorities maintained effective control over the national police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—The law requires warrants authorized by a prosecutor for arrests except when the perpetrator is caught while committing a crime, and police usually arrested a person based on a warrant. Police are required to file a justification to hold detained persons in custody within four hours of their arrest and must inform detainees of the charges against them within three days. Authorities must arraign an arrested suspect within 24 hours (not including Saturday and Sunday), at which time the arraigning judge determines whether the accused should be held in custody or released pending trial. There is no bail system. All defendants accused of minor crimes, including nonresident foreigners, were routinely released pending trial. Defendants accused of serious or violent crimes usually remained in custody until trial. Arrested persons were allowed access to a lawyer of their choice before interrogation or, if they could not afford one, to an attorney appointed by the government. Authorities usually allowed arrested persons access to family members. The law mandates that detainees be transferred from a temporary police holding cell to a regular prison cell within 48 hours.

The law provides that a court must supervise whether and how long a detainee may be held in solitary confinement, but a regulation provides an exemption where necessary because of building or staff conditions. Ila, the country's highest-security prison, admitted to using the loophole during the year, and defense attorneys reported that several other prisons did so as well. The media reported on August 10 that a 20-year-old suspect sentenced to four weeks in prison without special restrictions nonetheless was held in isolation for 12 days in Ila Prison and in administrative detention due to space constraints. The Court of Appeal ordered the prison to transfer him to regular custody.

The law permits detention of aliens to establish identity or to effect their removal from the country if it is deemed likely they will evade an order to leave. The CPT reported that it received no allegations and found no other evidence of mistreatment of immigration detainees by staff at the Trandum Detention Center for foreign nationals during its May visit.

Pretrial Detention.—The CPT, the Bar Association, and Amnesty International criticized the government's pretrial detention, including conditions in holding cells.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and there were no reports during the year that the government interfered with judicial independence.

Trial Procedures.—Defendants enjoy a presumption of innocence. Trials are public. In criminal cases involving a maximum prison sentence of at least six years, a court of appeal sits with a jury of 10 civilian members; there is no right to a jury trial in other instances. Defendants have the right to have counsel, at public expense if necessary, to be present at their trial, to confront and question witnesses, to present evidence and witnesses, and to appeal. Defendants and their attorneys have access to government-held evidence relevant to their cases. The law extends these rights to all citizens.

The constitution and law provide for the right to a fair trial, and an independent judiciary effectively enforced this right.

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

Regional Human Rights Court Decisions.—The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). During the year the court made one ruling against Norway. The government complied with the court's judgment.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters that can adjudicate cases involving human rights violations; individuals and organizations could appeal decisions to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government usually respected these prohibitions in practice. A government-appointed working group for communications control reported that police were abusing the emergency loophole in the law to use wiretaps and listening devices without court oversight.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law prohibits "threatening or insulting anyone, or inciting hatred or persecution of or contempt for anyone because of his or her: a) skin color or national or ethnic origin, b) religion or life stance, or c) homosexuality, lifestyle, or orientation." Violators are subject to a fine or imprisonment not to exceed three years. There were no reported charges or convictions for violating the hate speech law during the year.

Violence and Harassment.—In two instances public speakers scheduled to address topics that were sensitive to some in the community canceled their appearances after receiving threats. On April 14, an author withdrew from her planned participation in a panel to discuss oppression of women in developing countries. In September, Kurt Westergaard, the Danish cartoonist who had drawn caricatures of the prophet Mohammed in 2005, canceled his appearance at a planned book launch in Oslo following alleged threats against him.

Nongovernmental Impact.—On June 20, the offices of the publishing company Cappelen Damm were under police protection following threatened violence related to its decision to publish a Norwegian edition of the book The Tyranny of Silence by Flemming Rose, the cultural editor of Danish newspaper Jyllands-Posten, in which he explained why he printed the Mohammed caricatures in 2005. Eleven men with covered faces turned up to demonstrate against the book's publication, but the protest dissolved before reaching the publishing house.

Internet Freedom.—There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms other than as permitted by law. Particularly following the July 22 terrorist attacks in and near Oslo, the Center against Racism and others encouraged the Police Security Service (PST) to monitor extremist Internet chat rooms. On August 24, a PST representative reportedly stated to the media that the PST was cooperating with local police and government to review extremist websites.

Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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

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

c. Freedom of Religion.—See the annual International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations

in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees.

Safe Country of Origin/Transit.—The country is party to the Dublin II regulation, which allows the government to return refugees and asylum seekers to the first country they entered that is also a party to the regulation.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. On October 31, the Police Immigration Unit reported that it had forcibly returned 3,697 persons to Iraq during the year to date, a 6.7 percent decrease from 2010. UNHCR questioned whether an unspecified number of these returns were to areas of Iraq it deemed unsafe.

Durable Solutions.—The government has several programs for voluntary return of refugees through the International Organization for Migration, such as the Voluntary Assisted Return program, the Information, Return, and Reintegration of Afghan Nationals to Afghanistan Program, and the Information, Return, and Reintegration of Iraqi Nationals to Iraq program. These voluntary programs offered financial and logistical support for repatriation, including assistance with travel arrangements and funding.

Temporary Protection.—According to the Norwegian Directorate for Immigration, the government provided temporary protection to individuals who might not qualify as refugees and provided it to 757 persons as of August 31.

Stateless Persons.—According to UNHCR statistics, there were 3,118 stateless persons in the country as of January; they are not counted as refugees. Citizenship is derived from one's parents; children born in the country do not automatically become citizens. The law authorizes revocation of citizenship granted based on false identity information. Because the law requires applicants for Norwegian citizenship to renounce their original citizenship, revoking Norwegian citizenship can result in statelessness if the person's original citizenship is not reinstated. The government effectively implemented laws and policies to provide stateless persons the opportunity to gain nationality on a nondiscriminatory basis.

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

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

Elections and Political Participation.—Recent Elections.—In 2009 the country held parliamentary elections that were considered free and fair.

Participation of Women and Minorities.—Following the 2009 elections, there were 67 women in the 169-seat parliament (nearly 40 percent). There were nine women among the 19 Supreme Court justices, and women headed half of the 20 government ministries. Women led five of the seven political parties represented in parliament. There was one member of parliament and one alternate member from a minority group. There were no minority ministers or Supreme Court justices. Most major political parties in the country voluntarily apply a gender quota system for purposes of nominations and the composition of party-governing bodies at all levels.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no confirmed reports of government or police corruption during the year.

Public officials are subject to financial disclosure laws. The Ministry of Justice and Police and the Ministry of Finance are responsible for combating corruption.

The law provides for public access to government information, and the government provided access in practice to both citizens and noncitizens, including foreign media.

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

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

U.N. and Other International Bodies.—The government cooperated with the May 18-27 visit of a delegation from the CPT to monitor conditions in detention centers, prisons, and other facilities for persons incarcerated.

Government Human Rights Bodies.—The country has parliamentary ombudsmen for public administration, for children, and for equality and antidiscrimination. All ombudsmen enjoyed the government's cooperation and operated without government interference. The ombudsmen hear complaints against actions by government officials, but their offices did not issue any reports specifically on human rights problems during the year. Although the ombudsmen's recommendations are not legally binding, in practice government authorities usually complied with those from the ombudsmen for children and public administration.

Parliament's Standing Committee on Scrutiny and Constitutional Affairs reviews the reports of the parliamentary ombudsmen. Its Standing Committee on Justice is responsible for matters relating to the judicial system, police, the penal code, and the civil and criminal code.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced this prohibition in practice, although there were reports of violence against women and children, some anti-Semitism, and stigmatizing statements against immigrants and Muslims.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and the government generally enforced the law. According to police, 497 rapes were reported nationwide through the second quarter of the year, a 14.7-percent increase from the same period in 2010 and an 84.8- percent increase from 2001. There were 55 attempted rapes reported to police nationwide through the second quarter of the year, eight more than through the same period in 2010.

The penalty for rape is generally two to 21 years in prison, depending on the severity of the assault, the age of the victim, and the circumstances under which the crime occurred. Very few cases, however, resulted in a sentence higher than three years and four months. A report issued in 2007 by the director of public prosecutions indicated that 84 percent of rape cases reported to police between 2001 and 2005 had been dismissed; authorities believed this was usually due to the victim's reluctance to press charges, while Amnesty International asserted that systemic inadequacies played a role. The same report noted that approximately 36 percent of rape trials ended in acquittal. Authorities have not presented a similar national analysis since 2007. The Statistics Bureau registered 998 rape reports and 78 convictions in 2009, the latest date for which national figures are available. Because the 78 convictions may include cases reported before 2009, the conviction rate cannot be accurately established through publicly available statistics.

During the year authorities strengthened the eight-person sexual violence unit in the National Criminal Investigation Service (KRIPOS) with10 additional positions and stated that rape victims would be offered up to three hours of free attorney assistance. Oslo police presented a strategic plan to prevent rape.

Violence against women, including spousal abuse, was a problem. The law provides higher penalties for domestic violence than for simple assault, generally one to three years in prison, with an increased term of up to six years in more severe cases and up to 21 years for aggravated rape. The government generally enforced the law in practice, although the Oslo Crisis Center criticized the conviction rate (approximately 15 percent in 2010) as too low and attributed this to insufficient investigation and a backlog in the courts, rather than a lack of evidence. Through the second quarter of the year, police received 1,314 reports of domestic violence, seven more than during the same period in 2010.

The government had programs to prevent rape and domestic violence and to counsel victims. The action plan required each of the country's 27 police districts to have a domestic violence coordinator to assist victims. According to nongovernmental organizations, however, only eight police districts had a full-time domestic violence coordinator, and four districts had no domestic violence coordinator. Public and private organizations operated 51 government-funded shelters and managed five 24-hour crisis hotlines. The shelters provided support and counseling for victims and helped them gain access to social services, doctors, lawyers, and housing authorities. Victims of domestic violence have a right to consult a lawyer free of charge before deciding whether to make a formal complaint. If criminal proceedings are instituted, the victim is entitled to free assistance from a victim's advocate.

Sexual Harassment.—The law provides that "employees shall not be subjected to harassment or other unseemly behavior," and the government effectively enforced

this provision. Employers who violate this law are subject to fines or prison sentences of up to two years, depending on the seriousness of the offense.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception, skilled attendance during childbirth, and essential prenatal and postpartum care. Women were diagnosed and treated for sexually transmitted infections equally with men.

Discrimination.—Women have the same legal status as men and enjoy identical rights under family and property laws and in the judicial system. The Ombudsman for Equality and Antidiscrimination (LDO) was generally effective in processing and investigating complaints of gender discrimination. As of September 2010, the latest date for which figures were available, the LDO received 287 information requests and 36 complaints, eight of which resulted in a finding of illegal gender discrimination.

The law provides that women and men engaged in the same activity shall receive equal wages for work of equal value. According to Statistics Norway, women received largely the same pay and benefits as men for equal work but earned on average 15 percent less than what men earned per month. The government attributed this to differences in the professions chosen and the predominance of women in part-time or public sector work. The LDO's office expressed concern that many women were in part-time positions involuntarily because of a tendency in certain industries to provide no meaningful full-time alternative.

The law mandates that 40 percent of the boards of directors of publicly listed companies be women; virtually all public companies complied with the law.

Children.—Birth Registration.—Citizenship is derived from one's parents; children born in the country do not automatically become citizens. All birth clinics in the country reported childbirths to a central birth register, which included names, birth certificates, and social security numbers, including those of the parents.

Child Abuse.—In 2010 childcare services initiated 32,858 investigations of alleged abuse, nearly 8.5 percent more than in the previous year and a record high. The minister of justice stated that he considered it positive that more cases were reported and not kept secret. Childcare services completed 32,692 investigations in 2010 and took action in 15,904 cases, while dropping or providing counseling in 16,673 cases. An independent children's ombudsman office within the Ministry of Children, Equality, and Social Inclusion (MCESI) is responsible for the protection of children under the law. The directorate for children, youth, and family affairs provides assistance and support services. With five regional offices and 26 professional teams, the directorate is the government's principal agency for the welfare and protection of children and families. If criminal proceedings are instituted, the child victim who was subjected to violence, sexual abuse, or genital mutilation is entitled to free assistance from a victim's advocate.

Female Genital Mutilation (FGM).—FGM is illegal. In connection with an indictment of six people from three families for violence against 11 of their children, the court of appeal ruled during a detention hearing during the year that there was a danger of FGM. Whether this referred to FGM that had already taken place or concerns that it would take place absent intervention was unclear. Police investigated no other reports of FGM during the year.

On July 1, the media reported the government would extend nationwide the pilot project, offering counseling and voluntary genital examination to girls at risk of FGM. The leader of a Somali association reportedly welcomed the initiative, noting that he was concerned that girls could be forced to undergo FGM during "vacations" outside of the country. The U.N. Committee on the Elimination of Racism and Discrimination (CERD) welcomed the country's Action Plan against FGM, which included the pilot project, but expressed concern that the perceived excessive focus on the topic could stigmatize women and girls from particular minority groups.

Child Marriage.—Forced marriage, and aiding and abetting a forced marriage are punishable under the law. As part of the government's Action Plan against Forced Marriage (2008-2011), the Directorate of Integration and Diversity placed minority counselors in upper secondary schools throughout the country and integration attaches in the country's diplomatic and consular missions abroad to prevent, identify, and address cases of forced marriage. In 2010 the Expert Team for the Prevention of Forced Marriage in the Directorate for Children, Youth, and Family Affairs reported 73 forced marriages and 309 threats of forced marriage, a significant increase from 2009. The expert team was responsible for providing accommodation and support for young people over 18 who were subjected to forced marriage or the threat

of forced marriage, while Child Protection Services was responsible for minors. Police supervised the shelter services and provided security as needed. In contrast to 2010 there were no reports of children ending up in shelters for drug addicts due to slow case processing.

During the year a court convicted a 24-year-old man of forcibly marrying, raping, and sexually abusing his then 13-year-old first cousin. In September the court of appeal increased his sentence from five years and six months to six years. The offender's mother and the victim's parents also were convicted on all the same charges except rape. The offender's mother did not appeal the trial court's sentence of three years and six months, while the victim's mother was acquitted on appeal. The victim's father was sentenced to three years and four months in prison. Police feared that the victim could be killed as punishment for disgracing the family. The girl, who was 18 and a high school senior in 2011, lived in an undisclosed location as part of a police protection program.

On December 16, four people were convicted of arranging a forced marriage between a 16-year-old girl and a 23-year-old man in 2009. The man's uncle and aunt were each sentenced to eight months in prison, while the victim's mother and brother received 240 hours of community service each.

International Child Abduction.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish population is relatively small, consisting of between 1,500 to 2,000 persons, approximately 750 of whom were registered with the Jewish community.

On March 11, a deputy representative for the indigenous Sami parliament in the northern part of the country contended on Facebook that there was no evidence the Holocaust happened and that Jews were responsible for war crimes in Russia. Government leaders from across the political and geographic spectrum condemned his statements, although the law did not permit excluding him from serving as an independent deputy representative in the Sami parliament before his term as an elected official ended. In an unrelated incident during the year, one caricature appearing in a major newspaper minimized the Holocaust by depicting Gaza as a Nazi concentration camp.

On April 20, in an op-ed in the country's leading newspaper, prominent Norwegian author Jostein Gaarder apologized for his controversial 2006 article entitled "God's Chosen People." He acknowledged the article could have been interpreted as anti-Semitic, although that had not been his intention, he said. In his apology, Gaarder emphasized that "We must never express ourselves so that legitimate criticism of the government of Israel's policies can in any way be confused with an illegitimate and in every way intolerable hatred of Jews or Judaism." Before publishing the April piece, Gaarder engaged in a dialogue with Jewish community leaders, who said they welcomed his initiative and apology.

On June 7, the Oslo municipality reported that one out of every three Jewish pupils in secondary schools (grades 8-10) has experienced anti-Semitism in Oslo secondary schools, while more than half of the students surveyed (52 percent) said they had heard the word "Jew" used as an insult at school. The impetus for the survey was a March 2010 NRK news program, which highlighted increasing anti-Semitic attitudes and incidents of harassment or bullying of Jewish students in Norway's schools. The Oslo study determined that the extent of bullying appeared to relate to the quality of the individual teacher's leadership and the learning environment. In response to the findings, the federal minister of education pledged six million kroner (one million dollars) to train teachers to combat anti-Semitism in schools nationwide and to include anti-Semitism as a stand-alone topic in national and local school curricula. In the fall, the Oslo municipality began including anti-Semitism in its school curriculum.

There were some reports of anti-Semitic conspiracy theories in mainstream newspapers, both in a feature article and in letters to the editor, either suggesting (the article) or alleging outright (the letters) that Jews control the U.S. government.

The government continued to support organizations working to combat racism, discrimination, and anti-Semitism, including the White Buses foundation, which took students from Norway to the Auschwitz extermination camp in Poland and other Nazi concentration camps to educate them about the Holocaust. In January the government pledged three million kroner ($500,000) to the Center for Studies of the Holocaust and Religious Minorities in Oslo to conduct a national survey on anti-Semitism. The study was scheduled to be completed in 2012. During the year, the government also announced a grant of 200,000 kroner ($33,300) to the Jewish

community in Oslo to document members' experiences with anti-Semitism in the country and to survey membership trends. The government also granted 50,000 kroner ($8,300) toward a teaching project at the Oslo Jewish Museum.

On June 14-15, the Norwegian Jewish community hosted a conference on anti-Semitism entitled, "Norway, Israel and the Jews: Myths and Realities." The conference consisted of roundtable discussions with Norwegian editors, journalists, politicians, religious and minority leaders, and academics, and included a debate on when anti-Israel comments cross the line to anti-Semitism. The Norwegian Ministry of Foreign Affairs supported the conference, both financially and through active participation.

Trafficking in Persons.—See the Department of State's annual Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced these provisions. The law applies generally to all persons with disabilities without enumerating specific types of disabilities. It mandates access to public buildings, information, and communications for persons with disabilities. The MCESI and the State Council on Disability share the responsibility to protect the rights of persons with disabilities. The State Council served as an advisory body for the MCESI, which coordinated national policy, and managed the social benefits system for persons with disabilities. All educational institutions are required to have an appointed contact person for students with disabilities as well as a plan of action to include this group of students.

National/Racial/Ethnic Minorities.—On July 22, rightwing extremist Anders Behring Breivik detonated a large improvised explosive device (IED) next to government buildings that housed many ministries and the prime minister's office, killing eight persons and injuring scores. After detonating the IED, Breivik drove to a Labor Party youth camp on the island of Utoya outside of Oslo and shot and killed 69 persons (mostly youths) and injured many others. Shortly before the attack, Breivik posted a manifesto on the Internet in which he accused the Labor Party of treason for, among other things, encouraging multiculturalism, feminism, and Muslim immigration.

The Center against Racism reported that, in the hours after the attack and before the perpetrator's identity was established, some immigrants and Muslims in Oslo reported being harassed, spat upon, yelled at, or chased. The government responded to the July 22 attacks by calling for "more democracy, more openness, and more humanity." Commentators noted that, in the months following the attack, there was a greater feeling of inclusiveness towards all members of society.

In a year in which there were few reports of racial profiling by police, media reported that a Ugandan researcher with the International Panel on Climate Change was stopped and searched by Oslo police in October. The police officer reportedly apologized on the spot, saying he searched the man because his behavior was suspicious, not because he was African. The Oslo Police District subsequently sent a letter of apology. There were increasing instances of stigmatizing and hostile rhetoric against immigrants and Muslims during the year, particularly on the Internet. KRIPOS maintained a Web page for the public to contact police regarding online hate speech. In 2008, the latest date for which figures were available, KRIPOS reportedly received 160 complaints about racism and racist expressions on the Internet, but none led to further investigation or action by authorities.

In its concluding report on the country this year, CERD expressed concern over racist views by extremist groups on the Internet and by some representatives of political parties, "which constitute hate speech and may lead to acts of hostility against certain minority groups." CERD also expressed concern over the lack of judicial statistics on the number of complaints, investigations, prosecutions, and condemnations regarding racist acts. After a Congolese-Norwegian woman was attacked violently December 12 and told to "go back to where she came from," there were calls for police to do more to monitor and address hate crimes.

Immigrants and their children sometimes had more difficulty finding employment than equally qualified ethnic Norwegians. As of August 30, the unemployment rate among immigrants was 6.5 percent, compared with 3.3 percent among non-immigrants, according to government statistics. African immigrants had the highest unemployment rate at 12.4 percent, followed by Asians at 8.2 percent, immigrants from eastern EU countries at 7.4 percent, and Central Americans at 6.3 percent.

Indigenous People.—The 38,470 Sami living in the northern part of the country are Norway's indigenous people. According to media reports, on August 28, a study

by the University of Tromso and Victorian Health Promotion Foundation concluded that 35 percent of Norwegian Sami have experienced race-based discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There were no impediments to organizations for lesbian, gay, bisexual, and transgender (LGBT) persons, and the police and other government agents did not perpetrate or condone violence against the LGBT community or individuals.

After launching an information campaign in December to encourage registration of hate-crime incidents against LGBT persons, the National Association for LGBT persons received 20 reports of incidents on its Web site in one month, compared with 36 hate-crime incidents against LGBT persons registered in all of 2009.

Other Societal Violence or Discrimination.—There were no media reports of societal violence against persons with HIV/AIDS. In contrast to 2010, there were no media reports of persons with HIV/AIDS facing discrimination by some dentists and medical personnel.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements. The law allows unions to conduct their activities without government interference. All workers, including government employees and military personnel, have the right to organize and to bargain collectively. The law provides for the right to strike, except for military forces and senior civil servants, and workers exercised this right in practice. However, with the approval of parliament, the government may compel arbitration in all industrial sectors under certain circumstances, such as when a strike threatens the quality of health care or endangers public safety. The law prohibits antiunion discrimination.

The government respected workers' freedoms of association, collective bargaining, and striking, and the workers exercised these rights in practice. The Labor Party, which leads the country's governing coalition, and the Norwegian Confederation of Trade Unions have common historical roots but are independent of each other. There were no reports that antiunion discrimination occurred during the year.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and the government enforced these provisions in practice. However, there were reports that persons were subjected to forced labor in the domestic service and construction sectors and that foreign children are subjected to forced begging and forced criminal activity, such as shoplifting and selling drugs. Also see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—Children 13 to 15 years of age may be employed up to 12 hours per week in light work that does not adversely affect their health, development, or schooling. Between the ages of 15 and 18, persons not in school may work up to 40 hours per week, while persons who remain in school may only work a number of hours that does not adversely affect their schooling, in fact substantially less than 40 hours.

There are laws to protect children from exploitation in the workplace, and the government effectively enforced these laws. The Norwegian Labor Inspection Authority (NLIA), which is part of the Ministry of Labor and Social Inclusion, is the enforcement agency. In practice minimum age rules were observed, but children were trafficked for forced labor. Also see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

d. Acceptable Conditions of Work.—There is no legislated or administratively set minimum wage, although in practice there was a minimum wage in certain sectors. Wages are set in collective bargaining agreements negotiated by labor unions, employers, and the government. The usually biennial agreements may include minimum wage levels for specific sectors.

The law limits the normal workweek to 37.5 hours and provides for 25 working days of paid leave per year (31 days for workers over age 60). The law mandates a 28-hour rest period on weekends and holidays. The law provides for premium pay of 40 percent of salary for overtime and prohibits compulsory overtime in excess of 10 hours per week. The law provides the same benefits for citizens and foreign or migrant workers with residency permits. The law forbids employment of foreign or migrant workers who do not have residency permits.

The law provides for safe and physically acceptable working conditions for all employed persons. The NLIA, in consultation with nongovernment experts, set specific standards. Under the law, enterprises with 50 or more workers must establish environment committees composed of management, workers, and health personnel. All

enterprises with 10 or more workers must have safety delegates, who are elected by the employees. Workers have the right to remove themselves from situations that endanger their health.

The NLIA effectively monitored compliance with labor legislation and standards. There were reports, especially in the cleaning industry, of foreign workers' being underpaid or overworked beyond legally permissible limits. No data was available on whether workers exercised the right to remove themselves from situations that endanger their health in practice.

POLAND

EXECUTIVE SUMMARY

Poland is a republic with a multiparty democracy. The bicameral National Assembly consists of an upper house, the Senate (Senat), and a lower house (Sejm). The president, the prime minister, the Council of Ministers, and the Sejm share executive power. The national assembly elections in October were considered free and fair. Prime Minister Donald Tusk, leader of the ruling Civic Platform Party, governed in a coalition with a smaller political party. Security forces reported to civilian authorities.

Among the country's principal human rights problems were an inefficient judicial system and lengthy court procedures, which impeded the delivery of justice. During the year unknown persons carried out a number of attacks of symbolic vandalism against sites tied to the Holocaust or the German and Lithuanian ethnic minorities. There was also a substantial increase in government monitoring of phone locations and call logs without judicial review.

Other human rights problems included government delays complying with decisions of the European Court for Human Rights (ECHR) and delayed restitution of private property. Defamation laws restricted freedom of speech and press by criminalizing speech, publications, and material on the Internet that insulted or defamed public officials. Societal problems included discrimination against women in the labor market; sexual exploitation of children; trafficking in persons; and discrimination and violence against ethnic minorities and lesbian, gay, bisexual, and transgender (LGBT) persons. Violations of workers' rights to organize and join unions and to strike and antiunion discrimination also occurred.

The government generally enforced human rights and took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in the government.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and the government generally respected these provisions. There were problems, however, with police misconduct and abuse of prisoners. The criminal code lacks a clear, legal definition of torture, which authorities did not report as a separate crime. The law outlines disciplinary actions for police, which include reprimand, demotion in rank, and dismissal.

On July 12, the Council of Europe's Committee for the Prevention of Torture (CPT) issued a report on its visit to the country in 2009. During that visit the committee received a number of allegations of excessive use of force by police at the time of apprehension (e.g., kicks, punches, tight handcuffing). The mistreatment during questioning alleged by two detained persons was of such severity that it could be considered as amounting to torture (e.g., blows on the soles of the feet, the infliction of electric shocks on the genitals). The CPT stated that the investigations of such incidents were sometimes slow or delayed.

On May 19, the trial court in Kwidzyn sentenced two police officers for police brutality in Prabuty in 2008. The officers received suspended two-year terms. Three other police officers and one civilian employee were sentenced to several months in prison (also suspended). The case against one police officer was dismissed.

On August 1, the first medical unit for carrying out the forced chemical castration of convicted pedophiles opened in the town of Choroszcze near Bialystok. Under the law courts can decide whether offenders should undergo such treatment six months before their expected parole. Chemical castration is mandatory for an offender in-

volved in incest or the rape of a person less than age 15. As of the end of September, there were no reports that judges ordered the chemical castration of any prisoners.

On November 22, police suspended a police officer for kicking a participant in the November 11 Independence Day demonstrations. While there was no report of injury, prosecutors began an investigation into the case, and the police officer was under suspension at the end of the year.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards; however, prison medical staff vacancies and limited access to specialized medical treatment continued to be a problem. The government permitted monitoring visits by independent human rights observers. By the end of September, 95 prisoners, including 12 who committed suicide, had died in prison. Prisoners had access to potable water. Prisoners may file complaints with a prison ombudsman or the human rights ombudsman. Media report that authorities have expanded the use of electronic monitoring for nonviolent offenders. As of November 15, 1,556 people were serving sentences electronically monitored.

As of November 30, government statistics indicated 81,991 persons, including pretrial detainees, were incarcerated in prisons and detention facilities with a capacity for 82,364 persons.

As of November 30, approximately 2,598 prisoners (3 percent of the prison population) were women. Female prisoners were held either in dedicated detention facilities or in separate parts of joint facilities. As of October 20, there were 552 persons 18 years of age or younger (including three men who were age 16). While authorities generally separated juveniles from adults, in exceptional cases the law allows them to share housing in prisons and detention centers. Authorities usually sent juveniles (persons between the ages of 17 and 21) accused of serious crimes to pretrial detention.

As of November 30, according to the Central Prison Authority, there were 8,586 pretrial detainees, a decrease of almost 400 from November 2010. The number of pretrial detainees has gradually decreased since 2007.

Pretrial detainees were often held in prisons pending trial, but in areas separate from convicts. Conditions for pretrial detainees were generally similar to those for prisoners but on occasion were worse due to overcrowding and poorer facilities resulting from court-mandated restrictions on where a prisoner should be located while awaiting trial.

The country's criminal code sets the minimum cell size at 32 square feet per person, but prisoners may occupy smaller cells for a limited time. In the second quarter of the year, 30 detainees were in cells smaller than the legally mandated minimum, according to government statistics. On October 19, the Supreme Court decided that failure to provide the minimum cell size violates prisoners' rights.

Prisoners and detainees had reasonable access to visitors and could participate in religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigations of credible allegations of inhumane conditions. Prisoners exercised this right either directly with prison officials and the Justice Ministry, or indirectly through local nongovernmental organizations (NGOs) or the human rights ombudsman.

The human rights ombudsman received 6,462 complaints from prisoners and relatives during the year, compared with 7,233 in 2010. Of these, 21 percent dealt with treatment by prison authorities, 18 percent with prison conditions, 17 percent with medical treatment, and 12 percent with contact with the outside world.

Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. At the request of the justice ministry, the human rights ombudsman administers the national preventive mechanism to investigate and monitor prison and detention center conditions. The office of the ombudsman publishes its findings and a summary of the recommendations it made to relevant authorities in an annual report.

The government allowed independent monitoring of prison conditions and detention centers on a regular basis by the human rights ombudsman. The ombudsman can join proceedings in civil and administrative courts on behalf of prisoners and detainees, either when they have filed a complaint or when information otherwise leads to an allegation of inhumane conditions. During the year the ombudsman visited 29 prison and detention facilities, including pretrial and juvenile detention centers, as well as guarded centers for asylum seekers. The CPT listed prison overcrowding, poor medical care, mistreatment of prisoners by police officers, and the lack of a developed system of legal aid as the main problems affecting the country's prisons and detention facilities.

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

Role of the Police and Security Apparatus.—The police force is a national law enforcement body with regional and municipal units overseen by the Minister of Internal Affairs. The Internal Security Agency (ABW) has responsibility for investigating and combating organized crime, terrorist threats, and proliferation of weapons of mass destruction. The Central Anticorruption Bureau (CBA) is responsible for combating government, business, and financial corruption. Both agencies report directly to the prime minister. The military has law enforcement responsibilities only for its own facilities.

Civilian authorities maintained effective control over the security forces, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—In most cases the constitution and the law require authorities to obtain a court warrant based on evidence to make an arrest, and authorities generally complied with the law in practice. The constitution and the law allow a person to be detained 48 hours before authorities must file charges and an additional 24 hours for the court to decide whether to order pretrial detention. Authorities must promptly inform detainees of the charges against them. Detained persons may appeal the legality of their arrest, and this right was respected in practice. There was a functioning bail system, and most detainees were released on bail. Detainees have the right to counsel; the government provided free counsel to indigent defendants. Defendants and detainees have the right to consult an attorney at any time.

Pretrial Detention.—The constitution prohibits detention for longer than 48 hours without specification of charges by a court. The law permits authorities to detain persons charged with a crime for up to three months. The CPT reported most juveniles were transferred to a remand facility within 72 hours of detention. A court may extend pretrial detention every six to 12 months, but the law specifies that the total time in detention may not exceed two years (in certain complex cases, the court may petition the Supreme Court for an extension beyond two years); however, in practice detention was frequently extended beyond two years.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice; however, the judiciary remained inefficient and did not enjoy public confidence.

Military courts, supervised by the minister of justice, have jurisdiction over crimes committed by military personnel while on duty. Military defendants enjoy the same rights as civilians.

The court system remained cumbersome, poorly administered, and inadequately staffed. The NGO Helsinki Human Rights Foundation described the judicial system as improperly structured and inefficient, with a poor division of labor between different courts. In addition cumbersome hiring procedures have created many vacancies among judges and support staff, further slowing the justice system. According to the General Prosecutor's Office, while the overall number of prosecutors was large (5,964), the number of prosecutors dealing with criminal offenses was inadequate. Some progress was reported in the computerization of the court system, but a continuing backlog of cases and the high cost of legal action deterred many citizens from using the justice system.

E courts exist to adjudicate simple cases, which typically involve unpaid utility bills. A party files a claim on the e court's Web site for civil pecuniary claims, and a judge can issue a writ of payment based on this electronic submission. Commercial and labor claims are eligible for adjudication by an e court although nonpecuniary and family law claims are not. Defendants who dispute the judgment are referred to a regular court for trial. On April 6, Justice Minister Krzysztof Kwiatkowski reported that, after 15 months of operation, the e court had dealt with more than 900,000 cases of the one million submitted. However, according to media reports, the e court was thereafter flooded with additional cases, and as of September 21, as many as 350,000 cases were pending.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and must be present during trial. Trials are usually public; however, the courts reserve the right to close a trial in some circumstances, including divorce proceedings, cases involving state secrets, and cases whose content may offend public morality. The law provides for juries, usually composed of two or three individuals appointed by local officials. In regional and provincial courts, a panel of one judge and two lay assessors try cases. Defendants may consult an attorney provided to the indigent without cost, confront and question witnesses, present witnesses and

evidence, and have access to government-held evidence. Prosecutors can grant witnesses anonymity if they express fear of retribution from defendants.

After a court issues a verdict, a defendant has seven days to request a written statement of the judgment; courts must respond within seven days. A defendant has the right to appeal a verdict within 14 days of the response. A two-level appeal process is available in most civil and criminal matters.

Individuals can and did file complaints against the government with the European Court of Human Rights (ECHR) regarding trial delays, the right to a fair trial, and the lack of due process.

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

Regional Human Rights Court Decisions.—On January 26, the Parliamentary Assembly of the Council of Europe cited nine states, including Poland, for "worrying delays" in implementing ECHR orders. In the nine countries, the ECHR repeatedly found violations of the European Convention for Human Rights that seriously undermined the rule of law. The Committee of Ministers of the Council of Europe registered 760 complaints against Poland regarding improper implementation in the national legal system of the ECHR's judgments.

According to the Helsinki Human Rights Foundation, the government mostly complied with ECHR judgments in cases that affected a large number of persons and in cases of particular legal importance in which systematic or legislative changes were required. The foundation claimed the government complied less often with decisions that did not attract media attention or were difficult to implement for political reasons, for example, ones involving reproductive rights or teaching ethics in schools.

Civil Judicial Procedures and Remedies.—Individuals or organizations may seek civil remedies for human rights violations. They can and did appeal to the ECHR decisions involving alleged violations by the state of the European Convention on Human Rights after they had exhausted avenues of appeal through domestic courts. However, the government's implementation of court orders, particularly for payment of damages, remained slow, cumbersome, and ineffective. Changes to civil procedures placed speed and efficiency ahead of individual rights, and the limited number of attorneys made it expensive to exercise the right to legal counsel.

The primary objective of the Justice Ministry's Human Rights Department is to promote human rights standards throughout the justice system. The department also responds administratively to allegations of human rights violations, including excessively long trials, excessive use of pretrial detention, and prison overcrowding. According to the Helsinki Human Rights Foundation, the department was particularly successful in promoting knowledge about ECHR verdicts by translating them into Polish, posting them on the ministry's Web site, and distributing them to domestic courts.

Property Restitution.—The law provides for restitution of communal property seized during the Communist and Nazi eras, although the process proceeded very slowly during the year. There is no comprehensive law on returning or compensating for privately held property confiscated during those periods. Although President Bronislaw Komorowski publicly called for passage of private property restitution legislation early in the year, the government announced on March 10 that it would not pursue such a bill for budgetary reasons.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits most such actions; however, the government did not always respect these prohibitions in practice.

The law allows electronic surveillance for crime prevention and investigation. There was neither independent judicial review of surveillance activities nor any control over the use of information obtained by monitoring private communications. A number of government agencies had access to wiretap information. In 2010, the last year for which statistics were available, the Office for Electronic Communications reported that law enforcement agencies requested access to telecommunication data 1.3 million times, 300,000 more than in 2009. Legislation gives agencies broad access to such data without requiring specific grounds for it. On January 17, the ombudsman appealed to the prime minister to revise the law, arguing that such easy access to telecommunications data violates the constitution and the European Convention for Human Rights. On June 29, in a complaint to the Constitutional Court, the ombudsman questioned the legality of the vague provisions that give nine special services a broad right to wiretap individuals' telephone conversations. On August 1, the ombudsman questioned the legality of provisions which give law enforcement agencies and special services broad access to phone records. On December 11, the Prosecutor General agreed with the ombudsman's complaint that the powers

granted to law enforcement and special services violate the rule of law and infringe upon constitutional guarantees of individual rights. At the end of the year the case remained before the Constitutional Court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press; however, in practice laws restricted these freedoms. The government and courts have either upheld or instituted laws that criminalize defamation by individuals and the media, and limit editorial independence.

Freedom of Speech.—Defamation includes publicly insulting, slandering, or libeling members of parliament, government ministers, or other public officials, as well as private entities and persons. Defamation outside the media is punishable by a fine and community service. On July 7, the Constitutional Court ruled that the maximum sentence of three years' imprisonment for insulting the president was constitutional. Maximum penalties were rarely applied; persons found guilty of defamation generally only faced fines. According to Ministry of Justice statistics for 2010, the last year for which statistics are available, no one was convicted for defamation of the president, but three persons were convicted for insulting constitutional organs of the state. Of the 187 people convicted of public defamation in 2010, 143 of them committed defamation outside the media.

On September 8, the appeals court in Wloclawek sentenced a 19-year-old student to 20 hours of community service for writing a vulgar antigovernment slogan on his school building.

On May 17, police detained soccer fans for hanging an offensive poster that criticized Prime Minister Donald Tusk and shouting insults about him. The fans were protesting Tusk's decision to respond to soccer hooligan violence by closing some stadiums in May. The fans were required to pay administrative fines ranging from 500 to 1,000 zloty ($155 to $320).

The law prohibits hate speech, including dissemination of anti-Semitic literature and the public promotion of fascist, communist, or other totalitarian systems. On July 19, however, the Constitutional Court ruled that the parts of the provision dealing specifically with the production and storing of Communist materials for distribution were unconstitutional.

Freedom of Press.—Defamation carried out through the mass media is punishable by imprisonment for up to one year. In 2010, the last year for which statistics were available, 44 persons were convicted of committing criminal defamation in the mass media and fined. Available information indicated this number included politicians pressing charges against each other, academics and experts who gave interviews or wrote articles for the media, and a few journalists. In May investigative journalist Jerzy Jachowicz was fined 16,000 zloty ($5,000) for an article he published in 2007 about a former Communist secret service agent and his alleged connections with a Polish-American. In February journalist Dorota Kania was fined for publishing an article in 2007 about the same person. Both journalists filed suits in the ECHR..

Censorship or Content Restrictions.—The constitution provides for freedom of the press and social communication, and the right to acquire and disseminate information. It prohibits censorship of the press or social communication. The law prohibits, under penalty of fines, the promotion of activities that are against government policy, morality, or the common good; and requires that all broadcasts "respect the religious feelings of the audiences and, in particular, respect the Christian system of values." In practice the government rarely enforced this provision. The law also places some limits on editorial independence, for example, by specifying that journalists must verify quotes and statements with the person who made them before publication.

The National Radio and Television Broadcasting Council, a five-member body appointed by the National Assembly and the president, is responsible for protecting freedom of speech and has broad power to monitor and regulate programming, allocate broadcasting frequencies and licenses, apportion subscription revenues to public media, and impose financial penalties on broadcasters. While council members are required to suspend their membership in political parties and public associations, critics asserted that the council remained politicized. The president and the Sejm each select two members, and the Senate selects one member.

On October 4, the district prosecutor in Gdynia appealed the August 18 acquittal of heavy metal singer Adam Darski by the Gdynia district court. He was charged with offending religious feelings for tearing up a Bible and referring to the Roman Catholic Church as a "criminal sect" during a 2007 concert.

On August 11, the Warsaw Appeals Court upheld the 2009 decision of the National Radio and Television Broadcasting Council to fine the private television station TVN 471,000 zloty ($147,000) for broadcasting a talk show in 2008 during which participants placed the national flag in dog excrement. The court stated that the show promoted the desecration of the national flag.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chat rooms. Individuals and groups could usually engage in the expression of views via the Internet, including by e mail. However, the law against defamation, which restricts freedom of speech, applies to the Internet as well.

On May 20, ABW agents raided the apartment of a student who ran the satirical Web site www.antykomor.pl based on charges of publicly insulting the president. The Web site mocked President Komorowski and allowed visitors to throw virtual objects like hammers or dog excrement at the president's image. The agents searched the student's house and seized his laptop and hard drives. On June 9, a court in Tomaszow Mazowiecki ruled that the prosecutor's decision to order ABW to search the apartment was legal. On July 11, the district prosecutor in Sieradz refused to initiate an investigation into the abuse of powers by ABW and the local prosecutor.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

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

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit.—The law permits denial of refugee status based on safe country of origin or safe country of transit; however, the law also includes provisions to consider the protection needs of individuals with exceptional cases.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugee Abuse.—There were occasional reports of problems in the country's 13 detention centers for asylum seekers, which were located in the Warsaw, Bialystok, and Lublin areas and had a capacity of approximately 2,600 persons. The UNHCR reported no major or persistent problems in the centers, but asylum seekers complained about lack of access to medical specialists.

Employment.—Persons granted asylum or refugee status had the right to work. However, Amnesty International reported they experienced difficulties finding jobs, due in part to poor integration programs.

Access to Basic Services.—According to UNHCR, conditions in refugee centers were modest but met necessary requirements. Access to basic medical care was satisfactory, although asylum seekers complained about access to specialist medical care. Refugees also experienced language and cultural barriers and had limited access to higher education.

Temporary Protection.—Until November 24, the government provided temporary protection to individuals who may not qualify as refugees and provided it to 282 persons, compared with 439 persons in 2010. Persons with temporary status also had the right to work, received social assistance, and participated in the government's integration programs.

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

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

Elections and Political Participation.—Recent Elections.—The parliamentary elections held on October 9 were considered free and fair. On December 14, the Supreme Court declared the elections valid, finding that the isolated cases of violations did not influence the outcome of the elections. The Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe wrote in its report that the elections were pluralistic and democratic, with a high degree of public confidence in all stages of the election process.

Participation of Women and Minorities.—On March 3, a new gender-parity law which mandates that one gender represent no more than 65 percent of the spots on political parties' election lists entered into force; it was applied for the first time during the October 9 parliamentary elections.

Following the October 9 elections, there were 111 women in the 460-seat Sejm and 13 in the 100-seat Senate. There were four women in the 20-member Council of Ministers. In addition, 16 women held ministerial-level positions. Eleven of the country's 51 members of the European Parliament were women.

In the October 9 elections, the second member of parliament of African descent, as well as the first transgender and first openly gay member of parliament won seats in the Sejm. There were no members of minorities in the cabinet. The law exempts parties of historic ethnic minorities, including Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish parties from the requirement that they must receive 5 percent of the vote nationwide to qualify for seats in individual districts. Based on this exemption, there was one member of the Sejm (representing the German minority in Silesia) and none in the Senate.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement these laws effectively, and officials sometimes engaged in corrupt practices. Several government bodies, including the prime minister's plenipotentiary for the prevention of irregularities in public institutions and the CBA, were responsible for combating corruption. The CBA has broad powers to audit the financial holdings of public officials and fight corruption in public procurement. It also has authority to conduct searches, secretly videotape, and tap telephone conversations as well as to make arrests.

According to local and international NGOs, the level of corruption has decreased. World Bank governance indicators showed that, although corruption was remained a problem, indicators have improved since 2007. Citizens continued to believe that political parties and members of the legislative branch, the health care system, and the judiciary were the most corrupt.

There were no new, high-profile cases of government corruption, although there were developments in cases from previous years. On May 9, Walbrzych mayor Piotr Kruczkowski resigned following the decision of the district court in Swidnica on April 28 to annul the second round of the 2010 local government elections in Walbrzych because of vote buying. On September 2, a new trial began in the case of two individuals charged with attempting to bribe a former agriculture minister and deputy prime minister. The new trial came after an appeals court overturned the 2009 Warsaw Circuit Court's conviction of the two.

Financial disclosure laws oblige public officials to submit financial statements about financial assets, real property, stocks and bonds owned by the person and his or her spouse.

The constitution and the law provide for public access to government information, and in practice the government generally provided access to citizens and noncitizens, including foreign media. By law government refusal of information requests must be based on exceptional circumstances related to government secrets, personal privacy, and proprietary business data. Refusals may be appealed.

On September 25, the president signed a new law restricting public access to certain government information. The law allows the government to restrict access to protect "important economic interests of the state," including the country's negotiating positions in the international arena. The revision of the law was strongly criticized by local human rights NGOs and opposition parties, which argued that the new provisions are so general and imprecise that they may lead to unjustified limitation of access to public information.

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

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

Government Human Rights Bodies.—The country's independent human rights ombudsman presents an annual report to the Sejm on the state of human rights and civic freedom in the country. The ombudsman generally had adequate resources, enjoyed the government's cooperation, and was considered effective. In 2010, the most recent year for which statistics were available, the human rights ombudsman reported receiving 56,641 cases, a decrease of 8,567 from 2009.

Both chambers of the National Assembly have committees on human rights and the rule of law. The committees serve a primarily legislative function and are composed of representatives from multiple political parties.

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

The constitution prohibits discrimination in political, social, and economic life "for any reason whatsoever." The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. On January 1, a new antidiscrimination law entered into force that prohibits discrimination on the grounds of race, ethnic origin, nationality, religion, belief, opinion, disability, age, or sexual orientation. The new law requires the ombudsman to monitor implementation of the principles of equal treatment, support victims of discrimination, and carry out independent research. Ombudsman Irena Lipowicz publicly stated, however, that her office did not have enough funding to monitor discrimination and would struggle to fulfill its additional duties.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal and punishable by up to 12 years in prison. According to national police statistics, during the first half of the year there were 688 reported cases of rape. However, NGOs estimated that the actual number of rapes was much higher because women often were unwilling to report rape due to social stigma. During the same period, police forwarded 509 possible rape cases to prosecutors and 55 to family court (for underage offenders) for indictment.

On March 25, the president signed into law a revision of the criminal code that introduced a punishment for stalking, with a term of up to 10 years in prison.

In March the Lodz Appeals Court reduced the sentence for former Sejm deputy Stanislaw Lyzwinski from five years' imprisonment to three years and six months for rape, repeatedly forcing four women to have sex, abetting a kidnapping, and extortion.

On October 21, the regional court in Ostroda began the trial of former Olsztyn mayor Czeslaw Malkowski on charges of rape, attempted rape, and sexual harassment of his female employees. The charges resulted from an almost three-year-long investigation of Malkowski, who was charged in 2008 with the sexual harassment of two female employees and the rape of a third.

Domestic violence against women continued to be a serious problem. Observers attributed an increase in the number of reported cases to heightened police awareness, particularly in urban areas, as a result of media campaigns and NGO efforts. While courts can sentence a person convicted of domestic violence to a maximum of five years in prison, most convictions resulted in suspended sentences. The law provides for restraining orders on spouses to protect against abuse; prosecutors have the authority to issue restraining orders without a court's prior approval, but police do not have the authority to issue immediate restraining orders at the scene of an incident.

During the first half of the year, police identified 9,401 cases of domestic violence. Of these, 8,446 were forwarded for prosecution. During the first six months of the year, police reported that officers conducted 38,779 interventions related to domestic violence. According to prison authorities, at the end of the year, 5,191 individuals were serving prison sentences for domestic violence crimes.

According to some women's organizations, the number of women affected by domestic abuse was underreported, particularly in small towns and villages. The Women's Rights Center reported that police were occasionally reluctant to intervene in domestic violence incidents if the perpetrator was a member of police or if victims were unwilling to cooperate.

Centers for domestic violence victims operated by NGOs provided counseling for offenders and training for personnel who worked with victims. The government provided victims and families with legal and psychological assistance and operated 220

crisis centers and nine shelters for pregnant women and mothers with small children. In addition, 35 specialized centers were operated by local governments and funded by the government's National Program for Combating Domestic Violence. The centers provided social, medical, psychological, and legal assistance to victims and "corrective education" programs for abusers. In 2010, the last year for which statistics were available, the government allocated approximately 12.2 million zloty ($3.8 million) for the centers' operating costs.

The government also spent 3.9 million zloty ($1.2 million) during the year on programs to combat domestic violence. They were primarily corrective-education programs for abusers and training for social workers, police officers, and specialists who were the first contacts for victims of domestic violence. In addition the Ministry of Labor and Social Policy spent 330,000 zloty ($105,000) to organize a conference on domestic violence, a national public awareness campaign, and research on the problem of domestic violence. Regional governments spent almost 2.6 million zloty ($825,000) on training for first responders.

Sexual Harassment.—The law prohibits sexual harassment. Persons convicted of sexual harassment may be sentenced up to three years in prison. The labor code defines sexual harassment as discriminatory behavior in the workplace, including physical, verbal, and nonverbal acts, violating an employee's dignity.

According to the Women's Rights Center, sexual harassment continued to be a serious and underreported problem. Many victims did not report abuse or withdrew harassment claims in the course of police investigations due to shame or fear of losing their job. However, the media reported on certain high profile cases of sexual harassment. During the first six months of the year, police reported 32 cases of sexual harassment, compared with 52 cases during the first six months of 2010.

Reproductive Rights.—Although the government generally recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, some restrictions existed. While there were no restrictions on the right to obtain contraceptives, religious, social, and economic factors limited their use, according to a local NGO, the Federation for Women and Family Planning. Prescription contraceptives were not included on the government list of subsidized medicines, which made them cost-prohibitive relative to average household income. The law does not permit voluntary sterilization. Health clinics and local health NGOs were permitted to provide information on family planning, including information about contraception, under the guidance of the Ministry of Health.

In June 2010 the U.N. special rapporteur on health issues, Anand Grover, cited serious impediments to women's access to certain reproductive health services, such as contraception and prenatal testing. Grover called for the provision of unbiased sexual education and better funding for contraceptives.

Discrimination.—The constitution provides for equal rights for men and women in family law, property law, and in the judicial system; however, in practice there were few laws to implement this provision. Women held lower-level positions, frequently received lower pay than men for equivalent work, were fired more readily, and were less likely to be promoted.

On January 26, the Web site www.wynagrodzenia.pl reported a large discrepancy in the average salaries of men and women in a national survey of 2010. The survey found that women's salaries were on average approximately 33 percent lower than men's salaries.

The prime minister maintains a plenipotentiary for equal treatment with a mandate to counter discrimination and promote equal opportunities for all. Some women's rights groups and international organizations complained, however, that the position was neither sufficiently resourced nor sufficiently independent from government influence to fulfill its mandate. The Ministry of Labor and Social Policy continued to promote gender mainstreaming in the labor market, including providing support for the Polish Women's Congress and funding public awareness campaigns.

Children.—Birth Registration.—Citizenship is acquired at birth if at least one parent is a citizen regardless of where the birth took place. Children born or found in the country with parents of unknown or stateless origin are also citizens. The government has in place a system of universal birth registration immediately after birth.

Child Abuse.—Incidents of child abuse were reported; however, convictions for abuse were rare. The constitution and the law prohibit violence against children and provides for prison sentences ranging from three months to five years.

A government ombudsman for children's rights issued periodic reports on problems affecting children, such as pedophilia on the Internet, improving access to public schools for children with disabilities, and providing better medical care for chil-

dren with chronic diseases. The ombudsman's office also operated a 24-hour hotline for abused children. In 2010, the last year for which statistics were available, the ombudsman received 19,665 complaints of infringements of children's rights under the country's laws, an increase of 5,205 from 2009. Of that number, almost 40 percent related to the right to be brought up in a family and cited such factors as: limitation of parental rights because of a divorce and the need for better support for foster families, 23 percent to the right to protection against abuse and exploitation, 11 percent to the right to education, and 9 percent to the right to adequate social conditions.

Sexual Exploitation of Children.—The law prohibits sexual intercourse with minors younger than 15. The penalty for a conviction of statutory rape ranges from two to 12 years' imprisonment. Child pornography is also illegal. The production, possession, storage, or importation of child pornography is punishable by imprisonment for a period of three months to 10 years. According to the Ministry of Justice, 728 persons were convicted in 2010 of sexual intercourse with persons younger than age 15, and 25 persons were convicted of pimping with the involvement of a minor.

During the year police arrested 251 persons and confiscated computers and pornographic materials in two large, nationwide operations against child pornography and pedophiles. However, difficulty in meeting legal evidentiary standards led to few convictions in these cases.

According to the government and the Nobody's Children Foundation, a leading NGO dealing with trafficking in children, trafficking in children for sexual exploitation remained a problem.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Union of Jewish Communities estimated that the Jewish population numbered approximately 20,000. During the year a series of anti-Semitic incidents occurred in the northeastern and eastern parts of Poland, often involving desecration of symbolically significant property or places tied to the Holocaust. Synagogues and Jewish cemeteries were also targets of vandalism.

On August 31, the monument in the town of Jedwabne commemorating the mass killing of Jews burned alive by their Polish neighbors during World War II was defaced with Nazi swastikas and SS signs. The wall around the monument was covered with the words, "I don't apologize for Jedwabne!" and "They were easy to burn." On September 18, unidentified persons painted a swastika on the car of a historian specializing in Holocaust issues who worked at the Majdanek concentration camp museum near Lublin.

High-level government officials, including President Komorowski and Foreign Minister Radoslaw Sikorski, denounced anti-Semitic acts and supported tolerance, education, and interfaith dialogue. On September 8, the Prosecutor General's Office announced that it would monitor investigations into the anti-Semitic and xenophobic incidents that took place in the northeastern Podlaskie region. The governor of the region also denounced the incidents. Investigations into these incidents continued.

On May 10, the Warsaw prosecutor's office initiated a criminal investigation into the defamation of Foreign Minister Sikorski involving anti-Semitic comments posted on the Internet about his family.

During the year anti-Semitic behavior sometimes occurred at sporting events. In April the Polish antiracism "Never Again" Association and the Ukrainian Football without Prejudices organization issued a report documenting 36 anti-Semitic incidents during soccer games between September 2009 and March 2011. On September 30, soccer fans of the Warsaw Legia team displayed a large "Jihad Legia" banner during a match against the Israeli Hapoel Tel Aviv team. The Warsaw prosecutor's office subsequently declined to investigate the case on the grounds that displaying the banner was not a crime.

On May 30, the district prosecutor in Rzeszow indicted four soccer fans on charges of slandering Jewish persons in connection with the May 2010 incident involving fans' holding up a large banner with a Jewish caricature and an anti-Semitic slogan during a match in Rzeszow. On March 14, a trial opened against two other fans in the District Court of Rzeszow. The trials continued at year's end; each of the fans faced up to three years' imprisonment if convicted.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The government restricts the right of persons with certain mental disabilities to vote or participate in civic

affairs. The government effectively enforced these provisions; however, there were reports of some societal discrimination against persons with disabilities.

The law states that buildings should be accessible for persons with disabilities, and at least three laws require retrofitting of existing buildings to provide accessibility. Public buildings and transportation generally were accessible.

The Ministry of Labor and Social Policy is responsible for disability-related matters. During the year the government plenipotentiary for persons with disabilities organized training sessions for central and local government officials to encourage them to hire persons with disabilities. The state fund for rehabilitation of persons with disabilities continued a nationwide campaign encouraging companies to employ them. The fund granted money to NGOs to organize media campaigns on the rights of disabled persons.

National/Racial/Ethnic Minorities.—The constitution gives ethnic groups who have been living on the territory of present-day Poland for more than 100 years additional rights to preserve their own language, customs, and culture. The law defines nine as so-called "national minorities" (Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish) and four "ethnic minorities" (Karaim, Lemka, Roma, and Tatar). The law also contains several provisions against hate crimes and incitement to violence based on ethnic origin; however, government enforcement efforts were sometimes ineffective.

Government agencies reported that their statistics did not show a rise in the total number of hate crimes. However, during the year there was a series of high-profile xenophobic incidents, including a number directed against symbolic places tied to Lithuanians and other minority groups. According to local NGOs, including Never Again, Open Republic, and the Helsinki Foundation for Human Rights, the incidents were more high profile and symbolic than in past years, but not necessarily more numerous. The government, while generally quick to denounce them on the national and sometimes local level, was generally unable to find the perpetrators of the incidents.

NGOs, media, and academic experts believed that the incidents were likely linked to a rise in the numbers and activities of extreme nationalist groups. Extremist groups, while still small in number, maintained a public presence in high-profile marches and on the Internet. The neofascist group Red Watch updated its Web site several times with the names and contact information of persons it considered traitors to the white race, including politicians and journalists.

On August 22, an unidentified arsonist set fire to the apartment of a Pakistani-Polish couple in the Podlaskie region's capital of Bialystok. The couple escaped unharmed. Media and NGOs classified the attack as a xenophobic act, but the government believed it was committed as part of a nonxenophobic neighbors' dispute.

Ethnic Lithuanians and Germans were the targets of symbolic acts of vandalism. On August 22, unknown perpetrators covered 28 Lithuanian-language signs in the Podlaskie region with the colors of the Polish flag and painted the insignia of the nationalist organization Falanga on a Lithuanian monument in a park. A day later, a monument to a Lithuanian poet was damaged. The governor of the Podlaskie province set up a special taskforce of police, the border guards, and the ABW to investigate the incidents. On October 14, vandals defaced a German community cultural center in Opole, one of a series of such incidents aimed against the German minority there.

There were also scattered incidents of racially motivated violence including verbal and physical abuse directed at Roma and persons of African, Asian, or Arab descent. The Ukrainian and Belarusian minorities continued to experience petty harassment and discrimination.

Societal discrimination against Roma continued. The 2002 national census recorded approximately 12,700 Roma, although the Romani community estimated the number to be much higher.

There were reports that some local officials discriminated against Roma by denying them adequate social services. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education.

In December 2010 some restaurants and clubs in Poznan denied entry to members of the Romani community. On February 22, the Poznan prosecutor refused to initiate a criminal investigation into these complaints, but two security guards who did not admit the Roma to a restaurant were charged with a petty offense and fined 1,000 zloty ($310) each. The Roma Association appealed the case, and the prosecutor reopened it on April 14. The Roma Association reported that, despite government assistance programs, many Romani children did not attend public school. This was because of either financial constraints or fears that teachers would encourage assimilation and discourage traditional practices. However, according to the Ministry

of the Interior and Administration, 2,764 of the 3,369 Romani children between the ages of six and 16 were enrolled in school in the 2009-10 school year, the latest data available. The association stated that inadequacies in Romani children's education made it impossible for Roma to escape their poverty. In October the association reported that many Romani children were placed in schools for children with mental disabilities, even though two-thirds were intellectually able to study in regular schools. Research by the Jagiellonian University in Krakow showed that the improper placement might have resulted from improper testing by psychologists. On May 31, the Ministry of Internal Affairs and Administration reported that in 2010, 16.8 percent of Romani children were placed in schools for children with mental disabilities.

Approximately 80 percent of Roma were unemployed nationally, but levels of unemployment in some regions reached nearly 100 percent.

The government allocated approximately 10 million zloty ($3.1 million) to the annual program for Roma, which included educational and other projects to improve health and living conditions and reduce unemployment. The program also focused on civic education and provided grants for university and high school students.

On July 29, the Sejm established August 2 as the official Roma and Sinti Genocide Remembrance Day. On the day, the Sejm joined the Romani and Sinti communities in commemorating the extermination of the Romani camp at Auschwitz-Birkenau in August 1944.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—NGOs, including the Helsinki Foundation for Human Rights, reported increasing acceptance of LGBT persons by society and the government. However, they stated that discrimination was still common in schools, the workplace, hospitals, and clinics. For example, LGBT persons were sometimes prevented from donating blood. During the year there were some reports of skinhead violence and societal discrimination against LGBT persons.

NGOs maintained that few cases of discrimination against LGBT persons were actually reported. A survey conducted by the Campaign against Homophobia for the 2010 Hate Crime Report of ODIHR concluded that 92 percent of hate crime incidents against LGBT persons were not reported to police.

On May 21, an estimated 400 persons took part in Krakow's seventh annual Equality March (formerly called the March for Tolerance) to call for an end to prejudice against gay men and lesbians. Police were unable to prevent scuffles between the marchers and approximately 100 members of the nationalist group National Rebirth of Poland. Several journalists were caught in a scuffle involving tear gas and batons, and at least three participants were assaulted on the streets of the city center. Police detained 13 persons on charges of public disorder and one for attacking a police officer.

On June 11, between 4,000 and 6,000 persons participated in Warsaw's 10th Equality Parade. A group of 500 counterdemonstrators from the National Radical Camp, the All-Poland Youth association, and fans of the Legia soccer team attempted to interrupt the event by shouting discriminatory slogans and throwing firecrackers at police officers and participants. According to police the parade and counterdemonstrations proceeded without any major incidents and no one was hurt.

The prime minister's plenipotentiary for equal treatment monitors LGBT problems. LGBT groups criticized the plenipotentiary for making controversial statements about these problems and for not doing enough to combat discrimination against LGBT persons.

Other Societal Violence or Discrimination.—During the first six months of the year, the government's AIDS Center reported one official incident of discrimination against a person with HIV/AIDS and a mental illness. The person was refused readmission to a state-funded home for persons with mental disabilities. The patients' rights ombudsman intervened and ordered the patient admitted to the home.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution and the law provide that all workers, including civilian employees of the armed forces, police, and border guards, have the right to establish and join independent trade unions without previous authorization or excessive requirements. Foreign and migrant workers also have the right to unionize. The law allows unions to conduct their activities without interference. The constitution guarantees the right to organize workers' strikes or other forms of protest for trade unions, but specifies that for protection of public interest, specific laws may limit or forbid the conduct of strikes by specified categories of employees or in specific areas. Workers deemed to be in essential services, such as security forces, the Supreme Chamber of Audit, police, border guard, and fire brigades, do not have the right to strike. These workers

have the right to protest and seek resolution of their grievances through mediation and the court system. The constitution guarantees freedom of association in trade unions, occupational organizations of farmers, and employers' organizations.

The law obligates employers to notify the district inspection office in their region about a group dispute in the workplace. The law places some conditions on strikes: 50 percent of employees at the company and industry level need to vote in favor, and a strike cannot be called earlier than 14 days after the workers present their demands to the employer.

The constitution and the law provide for and protect enterprise-level collective bargaining over wages and working conditions, although some civil servants are restricted in this right. A tripartite commission composed of unions, employers, and government representatives was the main forum that determined minimum national wage and benefit increases in sectors such as social services. Key public-sector employers may not negotiate with labor without the extensive involvement of the ministries to which they are subordinate. The constitution guarantees trade unions the right to bargain, particularly for the purpose of resolving collective disputes and to conclude collective labor agreements and other arrangements. The law provides for parties to take group disputes to formal mediation, then to the Board of Social Arbitration in either the district court or Supreme Court depending on the number of employers involved, and, as a last resort, to strike. The law prohibits antiunion discrimination, although the constitution only guarantees the freedom of association in trade unions. Trade unions report that the law does not provide adequate means of protection against discrimination.

Cumbersome procedures made it difficult to meet all of the legal technical requirements for strikes in many cases. Labor courts acted slowly in deciding the legality of strikes, while sanctions against unions for calling illegal strikes and against employers for provoking them were minimal. Unions alleged that laws prohibiting retribution against strikers were not enforced consistently and that the small fines imposed as punishment were ineffective deterrents to employers. In 2010 the State Labor Inspection Office registered 342 disputes, compared with 433 disputes in 2009.

While many workers exercised the right to organize and join unions, in practice many small- and medium-sized firms discriminated against those who attempted to organize. The government sometimes failed to protect the right to union activity without interference at small- and medium-sized companies. Newly established small- and medium-sized firms were generally nonunion, while privatized, formerly state-owned enterprises frequently continued union activity. Self-employed workers cannot form a union, and some categories of government workers are limited to a single union or from holding office.

Labor leaders reported that employers frequently discriminated against workers who attempted to organize or join unions, particularly in the private sector. Discrimination typically took the forms of intimidation, termination of work contracts without notice, and closing the workplace. The law did not prevent employer harassment of union members for trade union activity; there were unconfirmed reports that some employers sanctioned employees who tried to organize unions. Managers also asked workers in the presence of a notary public to declare whether they were union members.

In July the Solidarity Trade Union filed a new complaint against the government with the International Labor Organization (ILO), alleging infringement of workers' freedom of association. Solidarity asserted that the 1991 law on trade unions does not comply with ILO Convention No. 87, as it limits the rights of self-employed persons, telecommuters, and others to establish and join trade unions.

b. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that that men and boys were increasingly subjected to forced labor in the agricultural, manufacturing, and food processing sectors. Also, see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The constitution and law prohibit the employment of children under the age of 16, with exceptions in the cultural, artistic, sporting, and advertising fields when parents or guardians and the local labor inspector give their permission. Persons between the ages of 16 and 18 may work only if they have completed middle school, the proposed employment constitutes vocational training, and the work is not harmful to their health.

The State Labor Inspectorate reported that increasing numbers of minors worked, and many employers underpaid them or paid them late. During the first half of the year, the inspectorate conducted 538 inspections involving 2,502 underage employ-

ees (16 to 18 years of age), compared with 325 inspections involving 2,222 underage employees during the same period in 2010. Fines totaling 123,000 zloty ($38,438) were levied in 108 cases.

The majority of the 2,502 employees found to be underage worked in commercial enterprises, repair shops, processing industries, restaurants, and construction.

d. Acceptable Conditions of Work.—The national monthly minimum wage, which took effect in January, was 1,386 zloty (approximately $433). According to the Institute of Labor and Social Studies, the social minimum income level for one person was 926 zloty ($289) and 3,016 zloty ($943) for a family of four in 2010. The subsistence level was 472 zloty ($148) for one person and 1,607zloty ($502) for a family of four. The large size of the informal economy and the low number of government labor inspectors made enforcement of the minimum wage difficult. A large percentage of construction workers and seasonal agricultural laborers from Ukraine and Belarus earned less than the minimum wage.

The constitution provides for every employee to have the right to statutorily specified days free from work, as well as annual paid holidays. The law provides for a standard workweek of 40 hours, with an upper limit of 48 hours including overtime. The law requires premium pay for overtime hours, but there were reports that this requirement was often ignored. The law provided for workers to receive at least 11 hours of uninterrupted rest per day and 35 hours of uninterrupted rest per week. The law also provides for 20 days of paid annual holidays for employees with less than 10 years of work experience and 26 days for those who have been employed for at least 10 years.

The law defines strict and extensive minimum conditions to protect worker health and safety. It empowers the State Labor Inspectorate to supervise and monitor implementation of worker health and safety laws and to close workplaces with unsafe conditions. In 2010, the last year for which data were available, there were approximately 1,700 labor inspectors. However, the inspectorate was unable to monitor workplace safety adequately. In the first half of the year, the Government Statistics Office reported 44,161 victims of workplace accidents, an increase of more than 3,000 from the same period of time in 2010. In 2010 the inspectorate investigated 2,251 accidents, in which there were 2,768 injuries, including 538 workers killed and 898 persons seriously injured.

Employers routinely exceeded standards for exposure to chemicals, dust, and noise. According to the inspectorate, the lack of professional experience, necessary safety precautions, and organization were the leading causes of workplace accidents. The majority of accidents occurred in mining, trade, and services.

PORTUGAL

EXECUTIVE SUMMARY

Portugal, which includes the archipelagos of the Azores and Madeira, is a constitutional democracy with a president, a prime minister, and a parliament elected in multiparty elections. National parliamentary elections on June 5 were free and fair. Security forces reported to civilian authorities.

There were no reports of widespread or systemic abuses. The most important human rights problems included excessive use of force and abuse of detainees and prisoners by police and prison guards, poor and unhealthy prison conditions, and the incarceration of juveniles with adults and pretrial detainees with convicted criminals.

Other problems included violence against women and children, discrimination against women, and trafficking in persons for sexual exploitation and forced labor.

The government usually prosecuted and punished officials who committed abuses.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any arbitrary or unlawful killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution and law prohibit such practices, there were credible reports of excessive use of force by police and of mistreatment and other forms of abuse of detainees by prison guards.

During the year the Inspectorate General of Internal Administration (IGAI) investigated reports of mistreatment and abuse by police and prison guards. Complaints included physical abuse, threatening use of firearms, excessive use of force, illegal

detention, and abuse of power. The majority of the complaints were against the Public Security Police (PSP) and the Republican National Guard (GNR)-392 and 257 complaints, respectively, in 2010, the most recent year for which statistics were available. The IGAI investigated each complaint, and punishments for officers found to have committed abuses ranged from temporary suspension to prison sentences. During 2010, 738 investigations of members of the security forces were conducted. Punishment included letters of reprimand, temporary suspension from duty, prison sentences, mandatory retirement with pension cuts, and discharge from duty.

In its most recent visit to detention centers and prisons in the country in 2008, the Council of Europe's Committee for the Prevention of Torture (CPT) received numerous complaints of mistreatment by law enforcement officials, mainly concerning slaps, punches, and blows with objects such as batons and telephone books. The committee also received one specific complaint of threat with a firearm.

Prison and Detention Center Conditions.—There were reports guards mistreated prisoners at some prisons. Other problems included overcrowding, inadequate facilities, poor health conditions, and violence among inmates. Approximately 10 percent of the prison population had HIV/AIDS, and more than half of these (57 percent) were also infected with hepatitis C.

In 2010, the latest year for which data are available, there were 64 deaths in the country's prisons. According to the Directorate-General of Prison Services, 45 were caused by illness and 19 by suicide. The majority of deaths due to illness were caused by infectious diseases associated with drug abuse.

According to the Directorate-General of Prison Services, on December 30 there were 12,548 prisoners and detainees in the country's prisons (94.6 percent male inmates and 5.4 percent female inmates), 76 of whom were youths between 16 and 18 years old (74 boys and two girls). The maximum number of prisoners facilities were designed to accommodate was 12,077. During the year the prison system operated at 103.9 percent of capacity. There was a youth prison in Leiria, but elsewhere in the prison system juveniles were sometimes held with adults. Pretrial detainees were held with convicted criminals.

Under the government's "open regime" system, prisoners may earn the right to work outside of the prison and to see their families at home on a regular basis.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions. Prisoners had access to potable water.

An ombudsman can serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; address the status and circumstances of confinement of juvenile offenders; and improve pretrial detention, bail, and recordkeeping procedures to assure that prisoners do not serve beyond the maximum sentence for the charged offense.

The government permitted visits by independent human rights observers and the CPT. During the year university researchers and news media visited prisons.

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

Role of the Police and Security Apparatus.—There were approximately 50,000 law enforcement officials, including police and prison guards. The ministries of internal administration and justice are primarily responsible for internal security. The Ministry of Internal Administration oversees the GNR, the Foreigners and Borders Service (SEF), and the PSP. The SEF has jurisdiction over immigration and border problems. The PSP has jurisdiction in cities, and the GNR has jurisdiction outside cities. The Judiciary Police are responsible for criminal investigations and report to the Ministry of Justice.

An independent ombudsman chosen by parliament and the IGAI investigates complaints of abuse or mistreatment by police. However, nongovernmental organizations (NGOs) criticized the slow pace of investigations and the lack of an independent oversight agency to monitor the IGAI and the Ministry of Internal Administration.

Arrest Procedures and Treatment While in Detention.—The constitution and law provide detailed guidelines covering all aspects of arrest and custody, and authorities generally followed the guidelines. Persons can be arrested only on a judicial warrant, except that law enforcement officials and citizens may make warrantless arrests when there is probable cause that a crime has just been or is being com-

mitted, or that the person to be arrested is an escaped convict or a suspect who escaped from police custody.

Under the law an investigating judge determines whether an arrested person should be detained, released on bail, or released outright.

A suspect may not be held for more than 48 hours without appearing before an investigating judge. Investigative detention for most crimes is a maximum of four months; if a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes, such as murder, armed robbery, terrorism, violent or organized crime, and of crimes involving more than one suspect, the investigating judge may decide to hold a suspect in detention while the investigation is underway for up to 18 months and up to three years in extraordinary circumstances.

Bail exists, but detainees are not released on their own recognizance. Depending on the severity of the crime, a detainee's release may be subject to various legal conditions.

Detainees have the right to legal counsel from the time of arrest, but police did not always inform detainees of their rights. In the report on its 2008 visit, the CPT stated that "facts found during the visit.clearly indicate that few detained persons have an effective right of access to a lawyer during police custody." The government assumed legal costs for indigent detainees.

A suspect in investigative detention must be brought to trial within 14 months of being charged formally. If a suspect is not in detention, there is no specified deadline for going to trial.

Pretrial Detention.—Lengthy pretrial detention remained a problem. As of October 15, 2,412 individuals (19.6 percent of the prison population) were in pretrial detention, a decrease from the previous year. The average detention time was eight months; approximately 20 percent of pretrial detainees spent more than one year in incarceration. Lengthy pretrial detention was usually due to lengthy investigations and legal procedures, judicial inefficiency, or staff shortages. If a detainee is convicted, pretrial detention counts against his prison sentence. If found innocent, a detainee has the right to request compensation.

Amnesty.—In December the president granted one reduction of prison sentence and one revocation of the penalty of expulsion from the country for one foreigner. There were 225 requests.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Observers, including the media, business corporations, and legal observers, estimated the backlog of cases awaiting trial to be at least a year.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All defendants are presumed innocent. Jury trials are rare in criminal cases. When the crime in question is punishable by a prison sentence whose maximum limit is more than eight years, either the public prosecutor or the defendant may request a jury trial. Juries consist of three judges and four public members.

Trials are public. Defendants have the right to be present at their trial and to consult with an attorney upon arrest, at government expense if necessary. They can confront and question witnesses against them, present evidence on their own behalf, and have access to government-held evidence. Those convicted have the right of appeal. The law extends these rights to all citizens and foreign residents.

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

Regional Human Rights Court Decisions.—The country is subject to the European Court of Human Rights (ECHR) under the European Convention on Human Rights. It complied with the court's decisions.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. All persons, both citizens and foreign residents, have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and they could appeal decisions to the ECHR. Civil cases do not have jury trials. There are administrative as well as judicial remedies for alleged wrongs.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Press.—According to the European Federation of Journalists, the law requires journalists to surrender confidential information and to disclose sources in criminal cases. However, the statute has been neither invoked nor tested.

Internet Freedom.—There were neither government restrictions on access to the Internet nor reports that the government monitored e mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e mail.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In 2010 the country granted asylum to six people and resettlement status to an additional 30 persons.

Safe Country of Origin/Transit.—The government considers other EU countries to be safe countries of origin and returned asylum seekers to their country of entry into the EU for adjudication of their applications.

Nonrefoulement.—In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom might be threatened.

Temporary Protection.—In addition to refugees and applicants for political asylum, the government also provided temporary protection to individuals who may not qualify as refugees. The country granted humanitarian protection to 49 persons in 2010.

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

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

Elections and Political Participation.—Recent Elections.—On June 5, the country held national parliamentary elections that were considered free and fair. Madeira last held elections on October 9 while the most recent elections in the Azores were in 2008; both were considered free and fair.

Participation of Women and Minorities.—The law reserves to each gender a minimum of one-third of the places on electoral lists in national, local, and European parliamentary elections. There were 65 women in the 230-member parliament and two women in the 12-seat cabinet. There was one member of a minority group in parliament; there was none in the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of corruption in the executive or legislative branches of the central government during the year. However, the media reported corruption involving local government officials.

Public officials were subject to financial disclosure laws. The Central Directorate for Combating Corruption, Fraud, and Economic and Financial Crime is the government agency responsible for combating corruption.

The constitution and law provide for public access to government information, and the government provided access in practice for citizens and noncitizens, including foreign media.

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

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

Government Human Rights Bodies.—The country has an independent human rights ombudsman appointed by parliament who is responsible for defending the human rights, freedom, and legal rights of all citizens. The ombudsman's office operated independently and with the cooperation of the government.

The ombudsman had adequate resources and published mandatory annual reports as well as special reports such as on problems regarding women's rights, prisons, health, and the rights of children and senior citizens.

Parliament's First Committee for Constitutional Issues, Rights, Liberties, and Privileges exercises oversight over human rights problems. It drafts and submits bills and petitions for parliamentary approval. During the year new laws went into effect in areas including the reinforcement of protection of victims of crime, the right to compensation for work-related illnesses such as those contracted by uranium extraction workers, and measures to discourage violent hazing practices in schools.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status, and the government effectively enforced these prohibitions.

Women.—Rape and Domestic Violence.—The law makes rape, including spousal rape, illegal, and the government generally enforced the law when the victim chose to press charges and the cases were not settled out of court through mediation by both parties' lawyers. During 2010, the latest year for which data is available, 90 cases of rape were reported to the Association for Victim Support (APAV), a nonprofit organization that provides confidential and free services nationwide to victims of any type of crime.

Violence against women, including domestic violence, continued to be a problem. Penalties for violence against women range up to 10 years' imprisonment. During 2010, 13,866 domestic violence crimes were reported to the APAV, including 237 cases of sexual offense and 87 cases of sexual violence. According to NGOs and media reports, there were 23 deaths related to domestic violence during the year.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecuted persons accused of abusing women; however, traditional societal attitudes discouraged many abused women from using the judicial system. According to data from the Ministry of Justice, in 2008, the last year for which data was available, 1,157 individuals were convicted of domestic violence crimes, of a total of 2,430 domestic violence court cases.

The government encouraged abused women to file complaints with the appropriate authorities and offered the victim protection against the abuser. In addition, legislation allows third parties to file domestic violence reports. The government's Commission for Equality and Women's Rights operated 14 safe houses for victims of domestic violence and maintained an around-the-clock telephone service. Safe house services included food, shelter, and health and legal assistance. The government-sponsored Mission Against Domestic Violence conducted an awareness campaign against domestic violence, trained health professionals, proposed legislation to improve legal assistance to victims, and signed protocols with local authorities to assist victims.

Sexual Harassment.—Sexual harassment is a crime. Penalties for sexual harassment range from one to eight years in prison. If perpetrated by a superior in the workplace, the penalty is up to two years in prison, or more in cases of aggravated coercion.

The Commission on Equality in the Workplace and in Employment, composed of representatives of the government, employers' organizations, and labor unions, examines, but does not adjudicate, complaints of sexual harassment. During the year reporting of sexual harassment rose. In 2010, 50 cases of sexual harassment were reported to the APAV.

Reproductive Rights.—Couples and individuals have the right to decide freely the number, spacing, and timing of their children, and to have the information and

means to do so free from discrimination, coercion, and violence. There was easy access to contraception. Skilled attendants assisted all childbirths in the country in 2009, the last year for which data is available. Women were diagnosed and treated for sexually transmitted infections on an equal basis with men.

Discrimination.—The civil code provides women full legal equality with men; however, in practice women experienced economic and other forms of discrimination. According to 2010 data from the National Statistics Institute, women made up 47 percent of the working population and were increasingly represented in business, science, academia, and the professions. However, according to the Ministry of Solidarity and Social Security, women's average salaries were approximately 27 percent lower than men's, and the gap was widening.

The state secretary for parliamentary affairs and equality addresses, among other topics, problems such as economic discrimination and integration of women into the mainstream of society.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory and from one's parents. Authorities registered all births.

Child Abuse.—Child abuse was a problem. The APAV reported 580 crimes against children under the age of 18 during 2010, the latest year for which data was available. There were reports that Romani parents used minor children for street begging.

Sexual Exploitation of Children.—Statutory rape is a crime. The minimum age for legal consensual sex is 16 years of age. Penalties for statutory rape range up to 10 years in prison. The law prohibits child pornography; penalties range up to eight years in prison.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community was estimated at 3,000. There were no reports of anti-Semitic acts during the year. The government does not collect such statistics, and none was reported to the ombudsman.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced the law. The law also mandates access to public buildings for persons with disabilities, and the government implemented these provisions in practice; however, no such legislation covers private businesses or other facilities.

The Ministry of Solidarity and Social Security oversees the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, which is responsible for the protection, professional training, rehabilitation, and social integration of persons with disabilities, as well as for the enforcement of related legislation.

National/Racial/Ethnic Minorities.—The government estimated the Romani population at between 40,000 and 50,000 persons. On February 9, the European Roma Rights Center alleged the government had cut off water to an informal Romani settlement in Vidigueira; the water service was restored by May 26.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There were no official or other reports of societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law recognizes workers' right to form and join independent unions of their choice without previous authorization or excessive requirements; members of the armed forces are excluded from this provision. The law allows unions to conduct their activities without interference. The constitution and the labor code recognize and protect the right to bargain collectively. The law provides for the right to strike. If a long strike occurs in an essential sector such as justice, health, energy, or transportation, the government may order strikers back to work for a specified period. Police may join unions and have recourse within the legal system, but they may not strike. The law prohibits antiunion discrimination.

The government respected these rights in practice. There were few reports that antiunion discrimination occurred. The country's labor confederations are independent of the government and political parties, although some historical ties exist.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children. However, the government did not effectively enforce these laws, and such practices reportedly occurred. Women, men, and children were trafficked for forced labor. Men from Eastern Europe (typically from Ukraine, Moldova, Russia, and Romania) and African Portuguese-speaking countries were subjected through fraud, coercion, and debt bondage to conditions of forced labor in the farming and construction industries. Police and NGOs also have reported that family networks brought approximately 50 to 100 Romani children to the country and forced them to work as street beggars. Also see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum working age is 16 years. The Labor Conditions Authority (ACT) of the Ministry of Solidarity and Social Security enforced the law effectively and registered cases during the last two years (one or two per year). In recent years there has been a greater social consciousness of child labor problems, increased awareness through government campaigns, and a reinforcement of investigations. However, there were reports that Romani parents used children for street begging.

The government's principal entity to investigate and respond to reports of illegal child labor is the ACT. The ACT sponsors and finances the Integrated Program for Education and Professional Training, which attempts to return to school minors who are victims or at risk of child labor. During the 2010-11 school year the program worked with 183 groups of students throughout the country.

d. Acceptable Conditions of Work.—The minimum wage, which covers full-time workers, rural workers, and domestic employees who are 18 years of age and older, was 485 euros ($631) per month. The legal workday may not exceed 10 hours, and the maximum workweek is 40 hours. There is a maximum of two hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours' rest between workdays. Premium pay for overtime worked on a rest day or public holiday is 100 percent; overtime performed on a normal working day is paid at a premium of 50 percent for the first hour and 75 percent for subsequent time worked. The Ministry of Solidarity and Social Security effectively monitored compliance through its regional inspectors.

Employers are legally responsible for accidents at work and are required by law to carry accident insurance. The ACT develops safety standards and is responsible for their enforcement. The ACT's inspectors sufficiently and regularly monitored these standards both proactively according to regulations and advanced scheduling, and reactively in response to complaints filed. Inspection findings were generally effectively enforced. Workers injured on the job rarely initiated lawsuits, as insurance policies covering medical and compensation costs covered the majority of workers. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively enforced this right. According to the ACT, there were 130 deaths from work-related accidents in 2010.

ROMANIA

EXECUTIVE SUMMARY

Romania is a constitutional republic with a democratic, multiparty, parliamentary system. The bicameral parliament (Parlament) consists of the Senate (Senat) and the Chamber of Deputies (Camera Deputatilor), both elected by popular vote. The 2009 presidential elections were considered generally free and fair. Security forces reported to civilian authorities.

Major human rights problems included trafficking of persons for labor, sexual exploitation, and forced begging. Significant societal discrimination against Roma continued. Government corruption remained a widespread problem that affected all sections of society.

During the year there were reports that police and gendarmes mistreated and harassed detainees and Roma. Prison conditions remained poor. The judiciary lacked impartiality and was sometimes subject to political influence. Property restitution remained extremely slow, and the government failed to take effective action to return Greek Catholic churches confiscated by the former Communist government in 1948. A restrictive law on religion remained in effect. There were continued re-

ports of violence and discrimination against women as well as child abuse. Anti-Semitic articles continued to be published and anti-Semitic, racist, xenophobic, and nationalistic views continued to be disseminated via the Internet. Government agencies provided inadequate assistance to persons with disabilities and neglected persons with disabilities who were institutionalized. Societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons and individuals with HIV/AIDS, particularly children, remained problems. A new labor code eliminated the legal basis for collective bargaining at the national level, reduced protections against antiunion discrimination, and generally weakened workers' position vis-a-vis employers.

The government took hesitant steps to prosecute and punish officials who committed abuses. Lawsuits alleging police abuse were repeatedly delayed and in many cases ended in acquittals.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports from nongovernmental organizations (NGOs) and the media that police mistreated and abused prisoners, pretrial detainees, and Roma, primarily through excessive force and beatings. There were also reports that some personnel in state institutions mistreated abandoned children with physical disabilities and subjected children in state orphanages to lengthy incarceration as punishment for misbehavior (see section 6, Children).

Prison and Detention Center Conditions.—Prison conditions remained somewhat harsh and at times did not meet international standards. The media and human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. According to media and NGO reports, prisoners at times assaulted and abused their fellow inmates, and prison authorities tried to cover up such incidents. Prisoners had access to potable water. A judge-delegate handles prisoner complaints. For nonviolent offenders the law provides for alternative sentences to prison, such as suspended sentences, sentences executed at the workplace, or penal fines. The government continued efforts, including through partnerships with NGOs, to alleviate harsh conditions; improve the condition of detention rooms; provide more daily activities, training courses, and educational programs; and deter the spread of HIV and tuberculosis.

According to the National Administration of Penitentiaries of the Ministry of Justice, at year's end there were 30,694 persons, including 1,376 women and 447 minors, in prison or juvenile detention facilities in a system with a stated capacity of 36,229 beds. Although according to the official figures overcrowding did not represent a serious problem overall, in some prisons the standard of 43 square feet per prisoner recommended by the Council of Europe's Committee for the Prevention of Torture (CPT) was not observed.

According to human rights NGOs, authorities made some progress in implementing the four detention regimes: closed, semiclosed, semiopen, and open. Prisoners assigned to semiopen and open regimes reportedly began to benefit from placement in the type of prison appropriate to their sentence. However, the NGO Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH) criticized the placement of some prisoners in prisons far from their hometowns.

The regulations allow all religious groups unrestricted access to prisoners.

The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. On November 24, the CPT released a report on its September 2010 visit to the country. The CPT reviewed conditions in police detention facilities and various issues related to prisons. It urged authorities, inter alia, to prevent mistreatment by adopting a "zero tolerance" policy and ensure minimum standards are met for individual space, lightning, hygiene, and food quality.

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

Role of the Police and Security Apparatus.—The Ministry of the Administration and Interior (MAI) is responsible for the national police, the gendarmerie, the border police, the Office for Immigration, the General Directorate of Information and Internal Protection (which oversees the collection of intelligence on organized crime and corruption), and the General Anticorruption Directorate. The national police

agency is the General Inspectorate of the Romanian Police, which is divided into functional directorates and 42 regional directorates for each county and the city of Bucharest. The Romanian Intelligence Service (SRI) collects information on major organized crime, major economic crime, and corruption. Complaints of police misconduct are handled by the internal disciplinary councils where the accused officers work.

During 2010, 1,089 police officers received disciplinary sanctions as a result of internal council investigations.

Arrest Procedures and Treatment While in Detention.—The law provides that only judges may issue detention and search warrants, and the government mostly respected this provision in practice. The law requires authorities to inform detainees at the time of arrest of the charges against them and their legal rights, including that they have the right to remain silent until a lawyer is present. Police must notify detainees of their rights in a language they understand before obtaining a statement. Detainees must be brought before a court within 24 hours of arrest. There was no information to suggest that the authorities did not respect these requirements in practice. The law provides for pretrial release at the discretion of the court. A bail system also exists but was seldom used in practice. Every detainee has the right to counsel and in most cases had prompt access to a lawyer of his choice. Indigent detainees were provided legal counsel at public expense. The arresting officer is also responsible for contacting the detainee's lawyer or, alternatively, the local bar association to arrange for a lawyer. The detainee has the right to meet privately with counsel before the first police interview. The lawyer may be present during the interview or interrogation. Detainees also had prompt access to their families.

The law allows police to take into custody any person who endangers the public or other individuals, or disrupts public order. There were allegations that police often used this provision to hold persons for up to 24 hours. Since those held in such cases were not formally detained or arrested, their right to counsel was not observed. APADOR-CH criticized this provision as leaving room for abuse.

A judge may order pretrial detention for periods of up to 30 days, depending on the status of the case. The court may extend these time periods; however, pretrial detention may not exceed 180 days. Courts and prosecutors may be held liable for unjustifiable, illegal, or abusive measures.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. However, the system does not provide a corresponding level of judicial accountability. There was a lack of public confidence that judges were fair, unbiased, and not subject to outside political or financial influence.

In July the European Commission's annual report on the Cooperation and Verification Mechanism (CVM) for judicial reform and anticorruption in the country stated that "only limited progress has been achieved since the commission's last report in terms of improving the efficiency of the judicial process and the consistency of judicial decisions." However, it acknowledged some progress during the year on such issues as the adoption of new civil and criminal procedure codes and the development of a multiyear strategy for reforming the judiciary.

NGOs and public officials frequently criticized the judicial system during the year. The judiciary's self-governing oversight body, the Superior Council of Magistrates, increased the transparency of its operations and adopted a strategy and action plan for strengthening integrity within the judiciary but failed to create procedures for addressing potential conflicts of interest among judges. It also failed to consistently identify and discipline judicial or prosecutorial misconduct, a significant part of its mandate. The practice of the High Court of Cassation and Justice (ICCJ) of returning case files to prosecutors for additional investigation contributed to frequent delays in court proceedings However, the speed of high-level corruption trials increased toward year's end as the ICCJ's Criminal Section prioritized these files in order to avoid the expiration of the statutes of limitations.

Trial Procedures.—The constitution and the law provide a presumption of innocence until a final judgment by a court. Trials are open to the public. The law does not provide for trial by jury. Defendants have the right to be present at trial. The law provides for the right to counsel and the right to consult an attorney in a timely manner. The law requires that the government provide an attorney to juveniles in criminal cases; in practice local bar associations provided attorneys to indigents and received compensation from the Ministry of Justice. Defendants may confront or question witnesses against them, present witnesses and evidence on their own behalf, and have a court-appointed interpreter. Defendants and their attorneys have the right of access to all prosecution evidence relevant to their cases. Both prosecutors and defendants have a right of appeal.

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

Regional Human Rights Court Decisions.—During the year the European Court of Human Rights (ECHR) issued 59 judgments against the government for violations of one or more rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms. The government complied with court orders to pay compensation in cases it lost, but in January the Parliamentary Assembly of the Council of Europe cited Romania for "extremely worrying delays" in implementing judgments of the ECHR.

Civil Judicial Procedures and Remedies.—Civil courts functioned in every jurisdiction and operated with the same degree of judicial independence as criminal courts. Judicial and administrative remedies were available to individuals and organizations for violations of human rights by government agencies. Plaintiffs against the government may appeal to the ECHR.

Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcing court orders were impractical and caused delays.

Property Restitution.—Under the law, claims for property seized by the Communist-era government had to be filed with the National Restitution Agency in 2001-03. Of the 202,267 claims filed for restitution of buildings, 123,122 (2,383 in 2011) were considered by the agency to have been resolved as of the end of August. Of the claims resolved, 44,697 were rejected; 52,426 qualified for restitution with equivalent property; 5,609 resulted in restitution in kind and compensation; 286 qualified for combined measures (i.e., restitution in kind plus compensation with other assets); 1,001 qualified for allocation of other assets and compensation; 1,893 qualified for compensation with other assets or services; and 17,210 were resolved by return of the properties in their current condition.

At the end of August, a vice president of the National Authority for Property Restitution was arrested for receiving a bribe to expedite the resolution of restitution cases. The arrest led to the quick replacement of the authority's president as well as further delays in adjudicating cases.

Organizations representing restitution claimants continued to assert that inertia at the local level hindered the process. In many cases local government officials delayed or refused to provide necessary documents requested by claimants. They also refused to return properties in which county or municipal governments had an interest.

There were numerous disputes over churches the Orthodox Church did not return to the Greek Catholic Church in violation of valid court orders to do so.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the government for the most part respected these prohibitions in practice. Nevertheless, there was a widespread perception that illegal surveillance still occurred, and there were credible media reports that authorities engaged in electronic eavesdropping in violation of these prohibitions.

The law permits the use of electronic eavesdropping in both criminal and national security cases. Under the criminal code, the investigating prosecutor must first obtain a warrant from a judge. In exceptional circumstances, when delays in getting the warrant would seriously affect a criminal investigation, prosecutors may begin interception without a judicial warrant, but they must then submit a request within 48 hours for retroactive authorization. When there is a threat to national security, the national security law permits prosecutors to authorize the issuance of a warrant for an initial period of six months, which can be extended indefinitely in three-month increments without judicial approval. Some human rights NGOs noted the contradiction between the two sets of laws with regard to the requirement for judicial approval of wiretaps.

On February 18, the ICCJ rejected an appeal by the SRI in a lawsuit filed by businessman Dinu Patriciu against SRI for illegally tapping his telephones. The court ordered the SRI to pay Patriciu 50,000 lei ($14,950) in damages.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, a largely independent judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Journalists and private citizens could criticize government authorities, including those at senior levels.

Freedom of Speech.—Laws restricting freedom of speech continued to cause concern among the media and NGOs. Insulting the state insignia (the coat of arms, national flag, or national anthem) is an offense punishable by imprisonment.

The religion law forbids acts of "religious defamation" and "public offense to religious symbols." The law also prohibits public denial of the Holocaust. There were no prosecutions or convictions under any of these statutes during the year.

Freedom of Press.—While the independent media were active and expressed a wide variety of views without overt restriction, politicians and persons with close ties to politicians and political groups either owned or indirectly controlled numerous media outlets at the national and local levels, and the news and editorial tone of these outlets frequently reflected the views of the owners. The tendency towards the concentration of national news outlets in the hands of a few wealthy individuals continued.

During the year there were isolated instances when public officials and politicians insulted or harassed journalists.

On May 31, Gheorghe Bunea Stancu, president of Braila County Council, verbally insulted several journalists who criticized his work, threatening to revoke their accreditations to cover the county council. Media NGOs characterized these actions as "nondemocratic abuses."

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and the law provide for freedom of assembly, and the government generally respected this right in practice. The law provides that unarmed citizens may assemble peacefully but also stipulates that meetings must not interfere with other economic or social activities and may not be held near such locations as hospitals, airports, or military installations. Organizers of public assemblies must request permits in writing three days in advance from the mayor's office of the locality where the gathering would occur. Requests for permits were generally approved. Delays or changes of location of the assembly sometimes occurred, although it was often impossible to determine whether they were politically motivated.

Freedom of Association.—The constitution and the law provide for freedom of association, and the government generally respected this right in practice. However, the law prohibits fascist, communist, racist, or xenophobic ideologies, organizations, and symbols (such as statues of war criminals on public land). Political parties are required to have at least 25,000 members to have legal status.

c. Freedom of Religion.—See the International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation. The government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law on asylum, based on EU legislation, prohibits the expulsion, extradition, or forced return of any asylum seeker at the country's border or from within the country's territory but does not extend these protections to aliens and stateless persons who planned, facilitated, or participated in terrorist activities as defined by international instruments to which the country is a party. In July amended legislation on the status of foreigners in the country brought the law into line with the EU's Schengen rules and the Dublin II regulation. The UNHCR expressed concern that the provisions regarding the removal of unaccompanied children do not make specific reference to the child's best interest.

Safe Country of Origin/Transit.—The law provides for the concept of safe countries of origin, and asylum seekers coming from such countries have their asylum applications processed in an accelerated procedure. EU member states are considered safe countries of origin, as are other countries specified by an order of the minister of interior proposed by the National Office for Refugees. Criteria defining safe countries of origin are the number of asylum applicants granted protection; observ-

ance of human rights; observance of democratic principles, political pluralism, and free elections; and the existence of operational democratic institutions to monitor human rights.

Nonrefoulement.—The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened based on their race, religion, nationality, membership in a particular social group or political opinion. However, there were still concerns that the law does not give rejected applicants enough time to prepare appeals and pursue them through the courts.

Access to Basic Services.—While conditions improved somewhat from prior years, according to the UNHCR, refugees still faced integration difficulties accessing public housing, vocational training adapted to their specific needs, counseling programs, and information for citizenship interviews. Refugees reportedly complained about restrictive procedures for the recognition of their diplomas and the lack of mechanisms for the assessment of the refugee's prior education and experience. The UNHCR also expressed concern about the inadequate monthly allowance—equivalent to approximately $30—that was provided to asylum seekers.

Durable Solutions.—Under a 2008 government decision, authorities resettle 40 persons yearly. The UNHCR added a reception center with 100 beds in Giurgiu in addition to the 250 beds it maintained at the emergency transit center in Timisoara.

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

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

Elections and Political Participation.—Recent Elections.—In 2009 the country held national elections for president. Despite irregularities, including numerous allegations of vote buying and of multiple voting, the elections were judged free and fair. These irregularities did not appear to favor one political party over another. The report of the Organization for Security and Cooperation in Europe (OSCE) on the elections found them to be "generally conducted in conformity with OSCE commitments and international standards for democratic elections, as well as with national law."

Parliamentary elections, last held in 2008, are based on a complex single-representative district voting system for both the Senate and the Chamber of Deputies. The media, NGOs, and government officials criticized the voting system, which employs a complicated formula to assign parliamentary seats to party representatives, as too difficult for most voters to understand and for awarding seats to party members who finished second or third in their district.

Political Parties.—The law requires political parties to register with the Bucharest Tribunal and to submit their statutes, program, and a roster of at least 25,000 signatures. Among these 25,000 "founding members," there must be individuals from at least 18 counties, including Bucharest, with a minimum of 700 persons from each county. The party statutes and program must not include ideas that incite war, discrimination, hatred of a national, racist, or religious nature, or territorial separatism.

Organizations representing ethnic minorities may also field candidates in elections. If the minorities in question are "national minorities," defined as those ethnic groups represented in the Council of National Minorities, their organizations must meet requirements similar to those for political parties. For organizations representing minorities not represented in parliament, the law sets more stringent requirements than those for minority groups already represented in parliament. They must provide the Central Electoral Bureau with a list of members equal to at least 15 percent of the total number of persons belonging to that ethnic group as determined by the most recent census. If 15 percent of the ethnic group amounts to more than 20,000 persons, the organization must submit a list with at least 20,000 names distributed among at least 15 counties plus the city of Bucharest, with no fewer than 300 persons from each county.

Participation of Women and Minorities.—While the law does not restrict women's participation in government or politics, societal attitudes presented a significant barrier. There were 37 women in the 334-seat Chamber of Deputies, including the speaker, and eight women in the 137-seat Senate. At the end of September there were three women in the 18-member cabinet and no female prefects (governors appointed by the central government) of the 42 counties.

Under the constitution, each recognized ethnic minority is entitled to have one representative in the Chamber of Deputies even if the minority's organization cannot obtain the 5 percent of the vote needed to elect a deputy outright. However, this

entitlement is qualified by the requirement that the organization receives votes equal to 10 percent of the average number of votes nationwide necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision in the 2008 elections. There were 47 members of minorities in the 471-seat parliament: nine in the Senate and 38 in the Chamber of Deputies. At the end of the year there were four members of minorities (all ethnic Hungarians) in the 17-member cabinet. Ethnicity data was not available for members of the Supreme Court.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania, an umbrella party, were the sole ethnic minority to gain parliamentary representation by passing the 5 percent threshold. Only one Romani organization, the Roma Party-Pro Europe, was represented in the parliament with one member. Low Romani voter turnout likely resulted from a lack of awareness, inability to demonstrate an established domicile, and/or absence of identity documents.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the law was not implemented effectively, largely because of problems within the judicial branch, and officials sometimes engaged in corrupt practices with impunity. The World Bank's corruption indicators highlighted corruption as a problem. In 2007, as part of the country's agreement on accession to the European Union, the European Commission established the CVM to monitor the country's progress in reforming the judicial branch and fighting corruption.

The National Anticorruption Directorate (DNA) continued its investigation of medium- and high-level corruption cases at a steady pace throughout the year. A preliminary assessment showed that 2011 produced the highest number of final convictions in DNA cases since the agency's creation in 2002. The DNA sent 1,091 persons to trial (compared with 937 in 2010), of whom 536 held executive, oversight or senior positions. These included two members of parliament, one of whom was also a cabinet minister; one secretary general in the Health Ministry; the president of the National Employment Agency; one vice president of the National Property Restitution Agency; one chairman and one vice chairman of county councils; two judges; three prosecutors; 231 police officers; 63 customs workers; 11 Financial Guard inspectors; 29 mayors; six vice mayors; one president of the National Drug Agency; one union leader; four army generals; and 38 directors from other public institutions. Of the 1,091 persons sent to trial during the year, 29 were sentenced and the other cases were pending at year's end. Courts handed down final convictions in 297 DNA cases, up from 154 in 2010. Persons receiving final convictions on corruption charges included one former member of parliament, two sitting members of parliament, two judges, two prosecutors, five mayors, three vice mayors, 24 police officers, eight customs officials, and 11 tax inspectors. Courts handed down nonfinal convictions in the cases of 881 defendants, compared with 786 defendants in 2010. These included two former ministers, a former deputy minister, two sitting deputies, two army generals, one judge and two prosecutors, 32 Interior Ministry officers, seven SRI officers (of whom two were generals), 40 customs workers, a former prefect, and a national union leader. Courts handed down final acquittal decisions in the cases of 38 defendants, including a former minister and a current deputy. Of 11 defendants who served as former or current members of parliament or cabinet ministers, eight were convicted and only three acquitted during the year. Between 2006 and 2011 the average conviction rate in DNA cases was 89 percent of the total final court rulings.

Significant delays generally persisted in high-level corruption trials, but towards the end of the year the pace of some of these trials started to accelerate. Verdicts in corruption offenses were often inconsistent. In December the ICCJ handed down a nonfinal acquittal in the high-profile corruption case of a former prime minister. In October the DNA started an investigation into alleged corruption offenses by two ICCJ judges.

Police corruption contributed to citizens' lack of respect for the police and a corresponding disregard for police authority. Low salaries and the absence of incentives and bonuses led to personnel shortages and contributed to the susceptibility of individual law enforcement officials to bribery. Instances of high-level corruption were referred to the General Anticorruption Directorate (DGA) within the MAI, which continued to publicize its anticorruption telephone hotline to generate prosecutorial leads for corruption within the police force. However, some local police departments ("inspectorates") did not adequately publicize the anticorruption hotline. A report by the DGA found an 81 percent increase in the number of MAI officials charged in corruption cases over the first six months of the year, while the number of indictments increased by 200 percent over the same period of 2010. The increase was due

in part to several large-scale sweeps conducted by the DNA in cooperation with DGA on Romanian border checkpoints that resulted in hundreds of police and customs workers being investigated.

Conflicts of interest remained a concern for all three branches of government. In April a minister resigned over a conflict of interest. In December the prime minister dismissed a cabinet member for a conflict of interest. Individual executive agencies were slow in enforcing sanctions for such cases and agencies' own inspection bodies were generally inactive. In November the Constitutional Court dismissed a challenge that would have forbidden lawyers from representing clients in courts and prosecutors' offices where the lawyer has a relative serving as judge or prosecutor. In December the National Integrity Agency (ANI) found six members of parliament with conflicts of interest for having hired their relatives at their constituency offices.

The law empowers the ANI to administer and audit financial disclosure statements for all public officials and to monitor conflicts of interest. The ANI law stipulates that the agency can identify "significant discrepancies" (more than 10,000 euros, or $13,000) between an official's income and his assets, and allows for the seizure and forfeiture of these "unjustified assets." The mechanism for initiating the confiscation of "unjustified assets" was cumbersome. In September the ICCJ handed down the first-ever final sentence concerning the confiscation of unjustified assets of a former minister.

The law provides for public access to government information related to official decision making; however, human rights NGOs and the media reported that the law was inadequately and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. Many agencies did not make public the annual performance reports required by law. NGOs and journalists continued to sue regularly in court to gain access to official government information.

Although the intelligence services transferred the majority of the files of the Communist-era Securitate intelligence service to the National College for the Study of the Securitate Archives, the powers of the latter remained limited because the law does not permit the college to issue binding decisions on naming Securitate collaborators.

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

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

U.N. and Other International Bodies.—The government cooperated during the year with international governmental organizations and permitted visits by U.N. representatives and other organizations. In May the U.N. special rapporteur on the independence of judges and lawyers visited the country; at the end of the year no report was yet released on this visit. EU Commission representatives also visited the country under the CVM to assess the situation of the judiciary and released two reports (see section 1.e.).

Government Human Rights Bodies.—The Office of the Ombudsman had limited power and no authority to protect citizens' constitutional rights in cases requiring judicial action. The office handled 3,909 complaints during the first six months of the year. The NGO Romani CRISS criticized the Office of the Ombudsman for failing to address the cases the NGO brought to its attention.

The National Council for Combating Discrimination (CNCD) is an independent governmental agency under parliamentary control. During the year the CNCD received 465 public complaints of discrimination. Of the complaints, 95 involved alleged discrimination on the basis of nationality and ethnicity, eight involved discrimination because of sexual orientation, and five involved discrimination on religious grounds. The CNCD received 62 complaints regarding discrimination against Roma. Romani CRISS criticized the CNCD's delays in ruling on some of its complaints. In June the Center for Legal Resources and Romani CRISS expressed concern about the CNCD's alleged preferential and politicized approach to cases involving high officials.

The Ombudsman's Office and the CNCD operated with the government's cooperation and, for the most part, without government or party interference. Neither agency received adequate resources, although both enjoyed public trust. The CNCD was generally regarded as effective, while most observers regarded the Office of the Ombudsman as much less effective. Both the CNCD and the Ombudsman's Office issued yearly activity reports.

Each chamber of the parliament has a human rights committee. Their task is to draft reports on bills that pertain to human-rights-related issues. The members of

these committees, however, usually expressed the views of their political parties, rather than addressing the issues objectively.

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

The law forbids discrimination based on race, gender, disability, ethnicity, nationality, language, religion, social status, beliefs, sexual orientation, age, noncontagious chronic disease, HIV infection, or belonging to an underprivileged category. However, the government did not enforce these prohibitions effectively, and women, as well as Roma and other minorities, were often subjected to discrimination and violence.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal. The successful prosecution of rape cases is difficult because the law requires a medical certificate in rape cases and, as in all criminal cases, requires either the active cooperation of the victim or a third-party witness to the crime. Police and prosecutors cannot pursue a case on their own, even with independent physical evidence. As a result a rapist could avoid punishment if the victim withdrew the complaint. The successful prosecution of spousal rape cases was more difficult because the law requires the victim personally to file a criminal complaint against the abusive spouse and does not permit third parties to file a complaint on the victim's behalf. The law provides for three to 10 years' imprisonment for rape; the sentence increases to five to 18 years if there are aggravated circumstances. According to police statistics, during the year 2,320 cases of rape were reported, of which 714 cases were prosecuted. Of these prosecutions, 672 cases resulted in convictions, acquittals or other verdicts while 42 cases were ongoing. Prosecutors dropped 1,606 cases without trial.

Violence against women, including spousal abuse, continued to be a serious problem, according to NGOs and other sources. The government did not effectively address it. The law prohibits domestic violence and allows police intervention in such cases. However, the law on domestic violence was difficult to apply because it contradicts the criminal procedures code and does not provide for the issuance of restraining orders. While the criminal code imposes stronger sanctions for violent offenses committed against family members than for similar offenses committed against others, the courts prosecuted very few cases of domestic abuse. Many cases were resolved before or during trial when alleged victims dropped their charges or reconciled with the alleged abusers. In cases with strong evidence of physical abuse, the court can prohibit the abusive spouse from returning home. The law also permits police to penalize spouses with fines of 100 lei to 3,000 lei ($29.90 to $897) for various abusive acts.

At the end of the year, 53 government and privately run shelters for victims of abuse provided free accommodation and food, assistance and counseling. The centers were too few and unevenly distributed, and some parts of the country lacked any kind of assistance. During the year the General Directorate for Child Protection (DGPC) in the Ministry of Labor, Family, and Social Protection, in partnership with NGOs, implemented programs to prevent and curb domestic violence and to provide better conditions for domestic violence victims.

Sexual Harassment.—The law prohibits sexual harassment. Penalties vary significantly depending on whether the act is criminal or not and range from fines between 400 lei and 8,000 lei ($120 and $2,392) to imprisonment for three months to two years. Although the problem existed, public awareness of it continued to be low. No effective programs existed to educate the public about sexual harassment.

Reproductive Rights.—Couples and individuals had the right to decide on the number, spacing, and timing of children and had the information and means to do so free from discrimination. The law provides for the right to information, education, and services for reproductive health without any discrimination, as well as the right to access modern family planning methods. The Ministry of Health provided free contraceptives to many women, including rural residents, students, and the unemployed. In 2009, according to the National Center for Statistics and Informatics in Public Health, 98.5 percent of mothers received skilled medical assistance during childbirth. According to the same source, in 2009, 82.5 percent of pregnant women were registered for prenatal care, and of those registered, 65.5 percent initially registered in the first quarter of pregnancy. Some women, especially Roma, had difficulty accessing reproductive health services for various reasons including lack of information, ethnic discrimination, lack of health insurance, and poverty. NGOs also noted the absence of a national strategy regarding reproductive rights, the lack of sexual education in schools, and the high number of teenage pregnancies (39 per 1,000 live births for girls aged 15 to 19).

HIV-positive women reported to the Euroregional Center for Public Initiatives (ECPI) that they had difficulty accessing maternal health care in maternity hospitals due to discrimination by medical personnel. They asserted they experienced degrading treatment, breaches of confidentiality, segregation, and denial of cesarean sections. The ECPI noted that the medical staffs of obstetrics and gynecology units did not appear to understand and apply the Ministry of Health's clinical guidelines for the management of pregnancy in HIV-positive women. The center received information that in some hospitals pregnant women were automatically tested for HIV prior to giving birth without informed consent and prior counseling, although HIV testing is voluntary under the law.

While the law provides female employees reentering the workforce after maternity leave the right to return to their previous or a similar job, pregnant women could still suffer unacknowledged discrimination in the labor market.

Discrimination.—Under the law women and men enjoy equal rights, including under family law, property law, and in the judicial system. In practice the government did not enforce these provisions, and authorities did not devote significant attention or resources to women's problems. Women occupied few influential positions in the private sector, and differences between the salaries of women and men continued to exist in most sectors of the economy. According to several surveys, including one from the National Statistics Institute and one from the World Bank, women were paid approximately 10-15 percent less than men doing the same work. According to the Ministry of Labor, Family, and Social Protection, women faced disadvantages in education; access to the labor market; social, political, and cultural life; and participation in decision-making. According to the ministry, many of these differences stemmed from segregation of labor (i.e., women work mostly in fields where salaries are lower, such as the service or public sector), traditions, and stereotypes.

Children.—Birth Registration.—Citizenship is derived by birth from at least one citizen parent. Birth registration was not universal, and some children were denied public services as a result. The most common reason that children were not registered at birth was that parents did not declare the child's birth to authorities, sometimes because the parents lacked identity documents or residence papers, or because the birth took place abroad in countries where parents were present illegally. Most such children had access to schools, and authorities assisted in obtaining birth documents for unregistered children. However, the education of unregistered children depended on the decision of school authorities. Undocumented children also faced difficulties in getting access to health care.

Education.—There were reports that Romani children were effectively segregated from non-Romani students and subject to discriminatory treatment (see section 6, National/Racial/Ethnic Minorities).

Child Abuse.—Child abuse and neglect continued to be serious problems, and public awareness of them remained poor. The media reported several severe cases of abuse or neglect in family homes, foster care, and child welfare institutions. According to the DGPC, during the first nine months of the year, child welfare services identified 8,431 cases of child abuse, of which 829 were cases of physical abuse; 953, emotional abuse; 388, sexual abuse; 170, work exploitation; 38, sexual exploitation; 51, exploitation to commit criminal offenses; and 5,912, neglect. The Ministry of Labor, Family, and Social Protection implemented a project costing 14.3 million euros (approximately $18.6 million) jointly funded by the government and the Development Bank of the Council of Europe. The project's goal is to develop a community-based services network at local levels to prevent the separation of children from their families and to reunite children already separated from their families.

In the first nine months of the year, according to official statistics, parents abandoned 1,092 children in maternity hospitals. NGOs claimed that the official statistics did not accurately account for many abandoned children and that many children living in state institutions were never officially recognized as abandoned.

The government has not established a mechanism to identify and treat abused and neglected children and their families.

Child Marriage.—In most cases the legal age of marriage is 18, although girls as young as 15 may legally marry in certain circumstances. Illegal child marriage was reportedly common within certain social groups, particularly the Roma. There were no statistical data regarding the extent of the practice, and information about individual cases surfaced only from time to time in the media.

Sexual Exploitation of Children.—The criminal code stipulates three- to 10-year jail sentences for sexual acts with minors under 15 years of age, the age of consent. The display, selling, dissemination, renting, distribution, and production of child

pornography is punishable by five to 10 years in jail and, if coercion is used, by 15 to 20 years in jail.

Displaced Children.—According to DGPC, at the end of September there were 730 homeless children nationwide. NGOs working with homeless children believed there were actually two or three times that number. They noted that the number of homeless children technically declined because many of them reached adulthood while remaining on the streets.

Institutionalized Children.—According to Hope and Homes for Children Romania, the country's branch of a British NGO which works in partnership with the government to close orphanages, 256 orphanages in the country housed 11,000 children at the end of 2010. The NGO noted that conditions in the orphanages improved with the support of EU funding and assistance from NGOs working in the field of child protection. However, staffing in orphanages remained insufficient, and the self-financing of such institutions was limited. Media reported instances in which children from orphanages were reportedly victims of pedophilia or kidnapped and sold to human traffickers, who then forced them to steal and beg abroad.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—According to the 2002 census, the Jewish population numbered 5,785. Acts of anti-Semitism continued during the year. Unlike in previous years, there were not any reports of acts of vandalism against Jewish sites.

The NGO Center for Monitoring Anti-Semitism in Romania (MCA Romania) criticized authorities for playing down anti-Semitic vandalism, usually attributing the acts to children, drunks, or persons with mental disorders. The NGO asserted that police investigations of such acts were not thorough and criticized the lack of prosecutions that might deter future acts.

The law prohibits public denial of the Holocaust and includes the oppression of Roma as well as Jews in its definition of Holocaust. There were no prosecutions under the statute during the year.

In January the prosecutor's office of the Constanta Court of Appeals reopened for the third time the case against Constanta mayor Radu Mazare for marching onto a public stage in Mamaia in 2009 dressed as a Nazi officer, accompanied by his 15-year-old son dressed as a Nazi soldier. On March 23, the prosecutors closed the case once again, exonerating Mazare from any criminal offense.

Extremist organizations occasionally held high-profile public events with anti-Semitic themes and continued to sponsor events, including religious services, symposia, and marches, commemorating leaders of the pre-World War II fascist Legionnaire Movement. Such events took place during the year in Bucharest and Piatra Neamt, where posters with former Legionnaire leader Corneliu Zelea Codreanu appeared in the streets.

MCA Romania repeatedly warned that anti-Semitic, racist, xenophobic, and nationalistic views continued to be distributed via the Internet. Extremists such as Ion Coja, a former professor at the University of Bucharest, continued to deny in public, in the publications of the extreme nationalist Greater Romania Party (PRM), and on the Internet that the Holocaust occurred in the country. He also denied that the country's leader during World War II, Marshal Ion Antonescu, participated in Holocaust atrocities in territory administered by the country.

During the year the extremist press continued to publish anti-Semitic articles. The New Right movement and similar organizations and associations continued to promote the ideas of the Iron Guard (an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country during the interwar period) in the media and on the Internet. Organizations with extreme right-wing views also republished inflammatory books from the interwar period.

During the year the publications of the PRM, headed by Corneliu Vadim Tudor, continued to carry statements and articles containing strong anti-Semitic attacks.

The government continued to make progress in its effort to expand education on the history of the Holocaust in Romania. The study of the Holocaust is included in history courses in the seventh, ninth, 11th, and 12th grades. The Elie Wiesel Institute for the Study of the Holocaust in Romania is also very active in educating the general public. On various occasions throughout the year, high-level officials continued to make public statements against extremism, anti-Semitism, xenophobia, and Holocaust denial.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against all persons with disabilities in employment, education, access to health care, and the provision

of other services. However, the government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice the country had few facilities specifically designed to accommodate persons with disabilities, and persons with disabilities could have extreme difficulty navigating city streets or gaining access to public buildings. However, the number of buildings with facilities for persons with disabilities increased during the year.

According to the Ministry of Labor, Family, and Social Protection, 690,496 persons with disabilities were registered at the end of June, and only 12.04 percent were employed.

According to reports in previous years by the Center for Legal Resources, a human rights NGO, the procedures for commitment, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms.

In many cases people with disabilities face institutional and societal discrimination, such as an occurrence during the year of a person being denied access to a club because he was in a wheelchair.

In August the CNCD fined a member of the European Parliament, Gigi Becali, for using the word "handicapped" in a derogatory sense for people with disabilities by calling a journalist "handicapped" in order to insult him.

Some minors were sent to psychiatric hospitals without the consent of their legal guardians. According to human rights NGOs, there was no system to ensure that government-run care institutions observed the rights of children with mental disabilities.

National/Racial/Ethnic Minorities.—Discrimination against Roma continued to be a major problem. Romani groups complained that police brutality, including beatings, and harassment, was routine. Both domestic and international media and observers widely reported societal discrimination against Roma. At the end of the year, the parliament enacted a National Roma Strategy aimed at improving the lives of Roma. The NGO and diplomatic communities were widely critical of the strategy for not having measurable goals for progress or adequate funding.

Observers estimated that there were between 1.8 and 2.5 million Roma in the country, approximately 10 percent of the total population. However, the most recent official census, taken in 2002, counted 535,000 Roma, or 3 percent of the population. According to NGOs, earlier government figures were low because many Roma did not reveal their ethnicity, were mistakenly assumed to be Romanian, or lacked any form of identification.

On April 8, following a violent incident between the family of the mayor of Racos, Brasov County, and a group of Roma, four Roma and the mayor's son needed medical care. Approximately 300-400 ethnic Hungarians prepared to go to an area inhabited by Roma with stones, axes, and other weapons in hand. Significant police forces arrived in time to prevent violent clashes, and police started an investigation of the incident. The city hall subsequently hired a private security company to help defuse tensions in the locality. Both the mayor and the Roma filed complaints. The prosecutor's decision to send the Roma to court for disturbance of public order was appealed, and a decision was pending at year's end. Police were investigating the Romani complaint at the end of the year.

Stereotypes and discriminatory language regarding Roma were widespread; journalists and several senior government officials made statements that were viewed as discriminatory by members of the Romani community.

The Senate and the Chamber of Deputies rejected separately, on February 9 and April 5, a draft bill submitted by Chamber of Deputies member Silviu Prigoana that proposed replacing the word "Rom" with "Gypsy" in official documents. The initiative generated heated debates, with a broad range of state institutions, including the Ministry of Foreign Affairs, the National Agency for Roma, the Ministry of Culture, the Interethnic Relations Department, the government's Secretariat General, and the CNCD, opposing the bill. However, the Romanian Academy supported the bill, arguing that the term "Gypsy" represented the "correct name of this transnational population."

On October 17, the CNCD admonished President Basescu for a September statement blaming Finland's opposition to Romania's accession to the Schengen area on the "Gypsies," who "aggressively beg and steal" in Finland.

According to media reports, evictions of Roma continued in Bucharest, Buzau, Cluj Napoca, and other localities during the year. In a report released in June, Amnesty International criticized Romania for failing to observe the right of Roma to decent housing and urged the government to stop the evictions. Amnesty Inter-

national noted that the alternative housing offered to the evicted Roma did not meet minimum living standards, lacking water, heating, and electricity.

On November 15, the CNCD decided that the forced relocation of 40 Romani families to an area next to a garbage dump in the Pata Rat neighborhood, on the outskirts of Cluj-Napoca, represented a discriminatory act and fined the local authorities 8,000 lei ($2,392). It further recommended that local authorities identify an adequate solution for these Roma. Amnesty International called on the local authorities of Cluj-Napoca and the national government to provide effective remedies and reparations to the victims of the forced eviction.

A similar crisis was averted by domestic and international pressure from Amnesty International, and with the assistance of the Soros Foundation, when the mayor of Baia Mare canceled the removal of four Romani neighborhoods and demolition of the houses there. However, on November 15, the CNCD fined the mayor 6,000 lei ($1,794) for erecting a large concrete wall that separated the housing of Roma and their neighbors in a highly symbolic way. At year's end the wall remained in place, and negotiations continued concerning alternative housing for the affected Roma.

NGOs reported that Roma were denied access to, or refused service in, many public places. Roma also experienced persistent poverty, poor access to government services, a shortage of employment opportunities, high rates of school attrition, inadequate health care, and pervasive discrimination. According to the Barometer for Social Inclusion 2010, 45 percent of Roma who worked did not have a stable job. NGOs and the media reported that discrimination by teachers and other students against Romani students was a disincentive for Romani children to complete their studies.

Despite an order by the Ministry of Education forbidding segregation of Romani students, there were anecdotal reports of Romani children being placed in the back of classrooms, teachers ignoring Romani students, and unimpeded bullying of Romani students by other schoolchildren. In some communities, authorities placed Romani students in separate classrooms or even in separate schools. The NGO Ovidiu Rom worked to assist and encourage Romani children in the school enrollment process. The NGO also continued its national public awareness campaign "scoala te face mare" ("school makes you great") to promote the importance of school enrollment, particularly kindergarten enrollment, to Romani parents and children.

A research project by the Impreuna Agency for Community Development conducted in April-May 2010 in 100 schools revealed that Romani children were segregated, received lower quality education, experienced discrimination from non-Romani peers and teachers, and had a higher dropout rate than non-Romani students (6.7 percent of Romani children, compared to 4.3 percent of non-Romani). The main reasons for dropping out of school were material shortages such as lack of school supplies and clothes (44 percent), poor grades (16 percent), lack of parental interest in schooling their children (9 percent), and early marriage (4 percent).

According to a survey conducted by Romani CRISS as part of a project funded by the U.N. Children's Fund entitled "Dimensions of Early Childhood Education and School Participation of Roma in Romania," segregation is more often encountered in primary school, where 64.5 percent of Romani students learned in segregated classes, whereas in secondary school 53 percent were in such classes.

On December 21, Romani CRISS and ECPI filed a complaint with the CNCD regarding the segregation of Romani children in Marie Sklodowska Curie Emergency Hospital for Children in Bucharest.

Romani communities were largely excluded from the administrative and legal systems. According to surveys in 2007 and 2008, between 1.9 and 6 percent of Roma lacked identity cards, compared to 1.5 percent of non-Roma. The lack of identity documents excluded Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. Roma were disproportionately unemployed or underemployed. According to the Barometer for Social Inclusion 2010, 60 percent of Romani households lived on less than the minimum wage. The average monthly income of Romani households was 657 lei ($196).

NGO observers noted Romani women faced both gender and ethnic discrimination. Romani women often lacked the training, marketable skills, or relevant work experience to participate in the formal economy. According to a survey by the Association of the Romanian Romani Women, 67 percent of the Romani women polled were housewives and 80.7 percent did not report any professional skills.

The National Agency for Roma is tasked with coordinating public policies for Roma. Romani NGOs, however, criticized the scope of this agency's responsibilities, noting that they are too broad and often overlap with the activities of other government bodies. During the year, the National Agency for Roma worked on six three-

year strategic projects, costing 22.2 million euros ($28.9 million), financed jointly with the EU. The agency completed five of them by year's end.

In December the government approved a national strategy for the inclusion of the Roma for the period 2012-2020. Romani NGOs and others criticized the strategy for not defining specific measurable benchmarks and goals and failing to identify its funding sources.

To improve relations with the Romani community, police continued to use Romani mediators to facilitate communication between Roma and the authorities and assist in crises.

Within the General Inspectorate of the Romanian Police, an advisory board is responsible for managing the relationship between police and the Romani community. During the year the Institute for Public Order Studies within the Ministry of the Administration and Interior conducted six training sessions for more than 300 police officers to promote human rights legislation and the prevention of torture and other forms of mistreatment. In May the general inspectorate also signed a partnership with the Ovidiu Rom Association to implement a project designed to reduce juvenile delinquency and child victimization within the Romani population. Several other projects were implemented throughout the year by local police units in Bucharest, Braila, Dolj, and Mures to facilitate police interaction with the Romani community and to encourage young members of this ethnic group to apply for police jobs.

According to the most recent census conducted in 2002, ethnic Hungarians are the country's largest ethnic minority with a population of 1.4 million.

In the Moldavia region the Roman Catholic, Hungarian-speaking Csango minority continued to operate government-funded Hungarian-language classes. According to the Association of Csango Hungarians in Romania (AMCM), 1,011 students in 17 schools received Hungarian-language classes during the 2011-2012 academic year. In 25 localities the AMCM sponsored daily educational activities in the Hungarian language. In some other localities, such as Pargaresti, Luizi Calugara, and Tuta, requests for Hungarian language classes were denied. The AMCM continued to complain that there was no Hungarian-speaking school inspector at the School Inspectorate of Bacau County.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination based on sexual orientation; however, NGOs reported that police abuse and societal discrimination against LGBT persons was common and that open hostility prevented the reporting of some harassment and discrimination. Members of the LGBT community continued to voice concerns about discrimination in public education and the health care system. During the year the NGO ACCEPT provided legal counseling to 50 people, primarily transgender persons. Most of them, fearing further discrimination, decided not to file formal complaints about their alleged mistreatment. The NGO also reported cases in which the police harassed individuals they suspected of being gay.

There were two officially registered LGBT organizations, ACCEPT and LGBTeam. Other LGBT groups lacked legal status and generally kept a low public profile.

On June 4, approximately 150 persons participated in the annual "March of Diversity" gay pride parade in Bucharest. Local authorities mobilized numerous police to protect the participants, and the parade ended without violent incidents. The New Right, an extreme-right nationalistic and homophobic group, sponsored a "March for Normalcy" antigay rally on the same day as the March for Diversity, but at a different time and location. ACCEPT provided legal counseling to an individual who stated that he was beaten after the parade. The case was under investigation at year's end. Asking about the status of a case of five individuals who had been beaten after the gay pride parade in 2006, ACCEPT found out that the police dropped the investigation altogether, claiming that they could not identify the assailants, although the victims had identified one of them right after the incident.

In November, at the beginning of an artistic documentary about the life of two young Romanian gay men presented during a film festival in Bucharest, representatives of the extreme rightist organization the New Right entered the cinema hall, shouted homophobic slogans, lit a flare, and left after two to three minutes.

During the year ACCEPT filed several complaints with the CNCD, one against a television presenter who made antigay statements on his blog; the CNCD decided to admonish him. Two other complaints were filed with police against a person who harassed a client at a gym for his presumed sexual orientation and against several policemen who harassed an individual at the police precinct on the same grounds.

In November a member of parliament stated in an interview that pedophilia is a "branch of homosexuality."

Other Societal Violence or Discrimination.—Under the law HIV-infected persons have the right to confidentiality and to adequate treatment. However, discrimina-

tion against persons with HIV/AIDS impeded access to routine medical and dental care, and authorities rarely enforced laws prohibiting this form of discrimination. Breaches of confidentiality involving individuals' HIV status were common and rarely punished.

Observers noted widespread discrimination faced by children with HIV/AIDS and authorities' failure to protect them from discrimination, abuse, and neglect. Some doctors reportedly refused to treat children and youths with HIV/AIDS. Medical personnel, school officials, and government employees did not always maintain the confidentiality of information about the children.

More than half of HIV-infected adolescents were sexually active; they frequently experienced reduced access to facilities for reproductive health care and the prevention of HIV and sexually transmitted infections. The government provided access to antiretroviral therapy; however, stigma and discrimination against persons with HIV/AIDS frequently impeded their access to education, other medical care, government services, and employment. Fewer than 60 percent of HIV-positive children and adolescents attended some form of schooling.

According to official statistics, 10,642 patients diagnosed with HIV and AIDS were registered as of June, 243 more than in 2010. Many of them were targets of social discrimination. Many, having dropped out of school due to stigmatization, discrimination, or disease, were believed to have a low level of formal education. In September the National Union of Organizations of Persons with HIV/AIDS (UNOPA) concluded a project that was aimed at giving vocational training to HIV-positive young people to help them find jobs. The program increased the capability of more than 1,000 HIV-positive individuals to work and raised employers' awareness regarding the rights and needs of HIV-positive persons.

According to a UNOPA report released in October, hundreds of HIV-positive persons in Bucharest, Botosani, Iasi, Suceava, and Petrosani had to discontinue treatment because of the faulty distribution of funds for HIV medications by the National Health Insurance House. The report also revealed difficulties in accessing dental and gynecological services. UNOPA stated that only a small number of HIV-positive persons had jobs because they feared applying for work, believed coworkers might find out about their disease, or feared they were not up to the challenges of regular work.

Promotion of Acts of Discrimination.—Throughout the year government officials made statements that contributed to ethnic stereotyping of Roma (see section 6, National/Racial/Ethnic Minorities).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution allows workers to form and join independent labor unions without prior authorization, and workers freely exercised this right. However, employees of the Ministry of National Defense, most MAI and Ministry of Justice employees, and prison and intelligence personnel did not have the right to unionize. The law allows unions to conduct their activities without interference, and the government protected this right in practice.

Although the law permits strikes by most workers, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and employers are given 48 hours' notice. Strikes are only permitted in defense of workers' economic interests, and compulsory arbitration is required after 20 days. Judges, prosecutors, some justice ministry staff, and employees of the intelligence service and the ministries of national defense and interior do not have the right to strike.

Until May 1, when a new labor code went into effect, the law provided workers the right to bargain collectively at the national level. National collective labor contracts were previously negotiated every four years. After the implementation of the new code, employers and unions could negotiate collective bargaining agreements at lower levels, although these levels were not defined by year's end. The new law provides no legal basis for national umbrella collective labor contracts. Employers no longer need to consult with unions on such issues as granting employees leave without pay or reducing the workweek due to economic reasons. The main employers' associations, trade unions, and the government last negotiated a national collective labor contract for 2007-10.

The law protects against antiunion discrimination; however, due to extensive legal loopholes, enforcement remained minimal. Under the new labor code, union leaders may be fired for reasons related to their professional performance as an employee. The previous law protected them from dismissal during their mandate as union officials and for two years thereafter. Union leaders expressed discontent with the new law.

On the enforcement side, unions also complained that they must submit their grievances to government-sponsored arbitration before initiating a strike and that the courts had a propensity to declare strikes illegal. Companies may claim damages from strike organizers if a court deems a strike illegal.

Unions expressed concern about excessive political influence at workplaces in public institutions. The alleged interference included appointment of managers for political reasons and instances where politically connected managers received prior information about supposedly unannounced labor inspections.

In practice the right of association was generally respected and union officials stated that registration requirements stipulated by law were complicated but generally reasonable. However, unions objected to the requirement that they submit lists of prospective union members with their registration application. Since employers also had access to this list, union officials feared that this could lead to reprisals against individual unionized employees, hindering the formation of new unions.

In one example of antiunion discrimination, a major news organization fired six journalists, who were members of the Romanian Journalists Federation, after complaints to the Labor Inspection Authority led to the finding that the news organization ignored provisions of an existing collective labor agreement.

Public controversy regarding union leaders' wealth and allegations of corruption emerged. Media reports focused on the wealth accumulated by certain union leaders, and in February their personal declarations of assets submitted to the ANI were made public.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Persons, primarily Romanian women and children and women and children from Moldova, Colombia, and France, were forced to engage in begging and petty theft.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for most forms of employment is 16, but children may work with the consent of parents or guardians at age 15. The law prohibits minors from working in hazardous conditions, provides a basis for the elimination of hazardous work for children, includes a list of dangerous jobs, and specifies penalties for offenders. Parents whose children carry out hazardous activities are required to attend parental education programs or counseling and can be fined between 100 and 1,000 lei ($30 to $300) for failure to do so. Persons who employ children for hazardous tasks can be fined 500 to 1,500 lei ($150 to $449).

Minors over the age of 15 who are enrolled in school are also prohibited from performing specified activities that might endanger their health, morality, or safety. Children under the age of 16 who work have the right to continue their education, and the law obliges employers to assist in this regard. Children aged 15 to 18 may only work six hours per day and no more than 30 hours per week, provided their school attendance is not affected. In practice, however, many children reportedly did not attend school while working. Minors cannot work overtime or during the night and have the right to an additional three days of annual leave.

The law requires schools to notify social services immediately if children miss class to work. Social services have the responsibility to reintegrate such children into the educational system. The government did not conduct information campaigns to raise awareness of child labor and children's rights among children, potential employers, school officials, and the general public during the year as it had in previous years.

The Ministry of Labor, Family, and Social Protection can impose fines and close factories where it finds exploitation of child labor. However, enforcement of all but extreme violations tended to be lax. Employers found to have violated child labor laws were generally fined, not prosecuted in court. There were no anecdotal reports during the year of anyone being charged in court with violating child labor laws, and the Ministry of Justice does not maintain these statistics. In practice judges did not consider violations of the child labor law to be criminal offenses.

Child labor, including begging, selling trinkets on the street, and washing windshields, remained widespread in Romani communities, especially in urban areas. Children as young as five engaged in such activities.

The DGPC in the Ministry of Labor, Family, and Social Protection is mandated with monitoring and coordinating all programs for the prevention and elimination of the worst forms of child labor.

Of the 182 confirmed cases of child labor reported for the first six months of the year, 71 were in urban areas and 111 in rural areas; 83 of the victims were girls

and 99 were boys; 114 victims were under 14 years of age, and 46 were between 14 and 18. The confirmed cases involved bonded labor (111 cases), sexual exploitation (23 cases), and exploitation for committing illicit activities (48 cases).

d. Acceptable Conditions of Work.—Beginning in January the gross minimum wage was 670 lei (approximately $200) for a full-time schedule of 170 hours per month, or approximately 3.94 lei ($1.18) per hour. The minimum wage for skilled workers was 20 percent higher. According to Eurostat, the monthly individual income level for persons "at risk of poverty threshold" was 907 lei ($271) in 2010.

The law provides for a standard workweek of 40 hours or five days. Workers are entitled to overtime pay for weekend or holiday work or work in excess of 40 hours, which may not exceed 48 hours per week averaged over one month. The law requires a 24-hour rest period in the workweek, although most workers received two days off per week. The new law also allows employers to shorten employees' work schedules from five to four days per week when workplace activity is reduced for economic or technical reasons with a corresponding reduction in salary. The new labor code increased salaries for night-shift employees by 25 percent under certain conditions. Excessive overtime can lead to fines on employers if workers file a complaint; however, complaints are rare. The law provided for paid holidays.

The new labor code relaxes procedures for the hiring and firing of employees and provides employers more control regarding performance-based evaluation of employees. Lengthier trial periods for new employees are now permitted and termination procedures during this probationary period have been simplified.

The new labor code introduces provisions regarding temporary and seasonal work and provides penalties for work performed without a labor contract in either the formal or informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to 100,000 lei ($29,900). After the new law entered into force, tens of thousands of new, mostly temporary, contracts were registered. The maximum duration of a temporary contract is extended from 24 to 36 months and is now in accordance with EU law.

The Ministry of Labor, Family, and Social Protection is responsible for enforcing the law on working conditions, safety, and minimum wage rates. According to union reports, many employers paid supplemental salaries under the table to reduce both the employees' and employers' tax burdens. This practice negatively affected employees' future pensions and their ability to obtain commercial credit.

The ministry believed it effectively enforced working time standards. However, union leaders complained that overtime violations were the main problem facing their members, since employees were often required to work more than the legal maximum number of hours, and the overtime compensation required by law was not always paid. This practice was especially prevalent in the textile, banking and finance, and construction sectors. Union officials alleged that a majority of on-the-job accidents occurred during such compulsory, uncompensated overtime. During the year the prohibition on work without a labor contract was weakly enforced, in part because of corruption within the Labor Inspectorate, and also because both employers and employees could benefit from lower taxes by working without a labor contract or receiving a supplemental salary under the table. Sanctions against employers using illegal labor under the previous law were rarely fully enforced. The country had an estimated 1,500 labor inspectors at the national level.

The ministry is responsible for establishing and enforcing safety standards for most industries but lacked trained personnel to do so effectively. Employers often ignored the ministry's recommendations, which were usually implemented only after an accident occurred.

RUSSIA

EXECUTIVE SUMMARY

The Russian Federation has a centralized political system, with power highly concentrated in a president and a prime minister, a weak multiparty political system dominated by the ruling United Russia party, and a bicameral legislature (Federal Assembly). The Federal Assembly consists of a lower house (State Duma) and an upper house (Federation Council). Security forces generally reported to civilian authorities; however, in some areas of the Northern Caucasus, there were serious problems with civilian control of security forces.

The most significant human rights problems during the year involved:

1. *Violations of Democratic Processes:* Parliamentary elections were held in December; domestic and international observers described these elections as marked

by government interference, manipulation, electoral irregularities, and restrictions on the ability of opposition parties to organize, register candidates for public office, access the media, or conduct political campaigns.

2. *Administration of Justice and Rule of Law:* Individuals who threatened powerful state or business interests were subjected to political prosecution, as well as to harsh conditions of detention. The conditions of prisons constituted a major violation of the human rights of many prisoners, who were subjected to poor medical care, lack of basic human needs, and abuse by prison officials. These conditions at times resulted in death. The government did not take adequate steps to prosecute or punish most officials who committed abuses, resulting in a climate of impunity. Rule of law was particularly deficient in the North Caucasus, where the conflict between the government and insurgents, Islamist militants, and criminal forces led to numerous human rights abuses by security forces and insurgents, who reportedly engaged in killing, torture, physical abuse, and politically motivated abductions. In addition the government of Ramzan Kadyrov in Chechnya continued to violate fundamental freedoms, engage in collective retribution against families of suspected militants, and foster an overall atmosphere of fear and intimidation.

3. *Freedom of Expression:* While there was free expression on the Internet and in some print and electronic media, self-censorship and the government's ownership of and pressure on some print and most broadcast media outlets limited political discourse. Some journalists and activists who publicly criticized or challenged the government or well-connected business interests were subject to physical attack, harassment, increased scrutiny from government regulatory agencies, politically motivated prosecutions, and other forms of pressure. Attacks on and killings of journalists and activists occurred, and a number of high-profile cases from previous years remained unsolved. During the December Duma elections, Web sites that published reports of electoral fraud were disabled by distributed denial of service (DDoS) attacks.

Other problems observed during the year included physical abuse of conscripts by military officers; restrictions on the right to free assembly; widespread corruption at all levels of government and law enforcement; violence against women and children; trafficking in persons; xenophobic attacks and hate crimes; societal discrimination, harassment, and attacks on religious and ethnic minorities and immigrants; societal and official intimidation of civil society and labor activists; discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; limitations on the rights of workers..

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

a. Arbitrary or Unlawful Deprivation of Life.—In the North Caucasus, there were numerous extrajudicial killings carried out by both authorities and local militants (see section 1.g.).

On October 13, Colonel Boris Khubiyev, deputy department head of the Military Prosecutor General's Office, reported nine deaths as a direct result of military hazing. The nongovernmental organization (NGO) Committee of Soldiers' Mothers believed that the vast majority of cases went unreported and contended that the actual number could be 10 to 12 times higher.

As of October, 119 soldiers had committed suicide, many as a result of hazing. On August 23, a young recruit shot himself in the head in Volgograd Oblast. He left a letter explaining that he could no longer endure the threats and taunts of his commanding officer.

On September 3, Private Aiderkhanov from a Tatar-Bashkir village in Chelyabinsk Oblast was found dead after reportedly hanging himself. The body of Aiderkhanov showed significant injuries, including missing teeth, a broken leg, a knife wound to the chest, and cigarette burns. Residents from Aiderkhanov's village drafted a petition to the Ministry of Defense declaring that they would not allow their sons to be drafted into the army until those responsible for Aiderkhanov's death were brought to justice. On October 27, according to online news source News.ru, the director of the Research Institute of Forensics, Alexander Vlasov, concluded that the trauma on Aiderkhanov's body was inflicted while he was still alive. In October the Ministry of Defense opened an investigation.

Several journalists, including Garun Kurbanov, Yakhya Magomedov, and Khazimurad Kamalov, were killed during the year for reasons apparently related to their professional activities (see section 2.a.).

Prison officials and police subjected inmates and suspects in custody to acts of torture or neglect that occasionally resulted in death. On November 9, it was reported that Deputy Director of the Federal Penitentiary Service (FSIN) Alexey Velichko stated that 258 people died in jail in the first nine months of the year. In 2011, according to the Civil Commission for Relations with the Justice System, approxi-

mately 50 people died in pretrial detention from various causes, while the FSIN reported that 44 people died in Moscow pretrial detention centers, compared with 64 in 2010.

In March Chelyabinsk Oblast Ombudsman for Human Rights Aleksey Sevastyanov submitted a complaint to Urals Federal District Chief Prosecutor Yuriy Zolotov, claiming that a January suicide in a Kopeysk Prison was staged by prison officials to hide signs of torture on a convict's body and that the prison's film studio had been used to produce a fake suicide video. The complaint alleged that the oblast prosecutor's office was complicit in covering up the case. It noted that the victim, Sergey Samuylenkin, had just one year left on his prison term and left no suicide note. Independent experts enlisted by Samuylenkin's relatives maintained that his death was caused by over 70 beatings and forced suffocation. The prosecutor did not call independent medical experts or Samuylenkin's cellmates as witnesses in the case. On April 22, Lieutenant P. Chikulin, senior investigator of the Investigation Department of Kopeysk of Chelyabinsk Regional Investigation Directorate of the Investigation Committee of the Russian Federation, ruled not to initiate a criminal case due to the absence of any evidence of criminal intent.

On November 17, charges of negligence were filed against Aleksandra Artamonova, a specialist from an independent medical center, in the 2010 death of businesswoman Vera Trifonova in a Moscow pretrial detention center. Investigators charged that Dr. Artamonova forgot to remove a catheter from Trifonova's vein, which caused a clot and led to the patient's death. Human rights advocates believed that Trifonova was intentionally denied access to medical care for months to pressure her into confessing to fraud charges.

The prime suspect in the 2010 death of Judge Eduard Chuvashov, a Russian neo-Nazi named Aleksey Korshunov, was killed in an accidental explosion on October 7, when a grenade he was carrying detonated. There were no further developments in the Chuvashov case by year's end.

On May 6, a Moscow court sentenced Russian ultranationalists Nikita Tikhonov and Yevgeniya Khasis to life in prison and 18 years in prison, respectively, for the 2009 killing of lawyer Stanislav Markelov and Novaya Gazeta reporter Anastasiya Baburova.

b. Disappearance.—Reports of politically motivated disappearances in connection with the conflict in the Northern Caucasus continued (see section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, there were numerous, credible reports that law enforcement personnel engaged in torture, abuse, and violence to coerce confessions from suspects, and there were allegations authorities did not consistently hold officials accountable for such actions. There is no law defining torture, and prosecutors are therefore only able to bring charges of simple assault or exceeding authority against police suspected of engaging in torture. Government forces engaged in the conflict in the North Caucasus reportedly tortured and otherwise mistreated civilians and participants in the conflict (see section 1.g.).

Physical abuse of suspects by police officers usually occurred within the first few hours or days after arrest. Some of the methods reportedly used included beatings with fists, batons, or other objects.

On November 29, Aleksandr Bastrykin, chairman of the Investigative Committee of the Russian Federation (SKR), ordered an investigation into the death of 23-year-old Yevgeniy Kotov in the Ministry of Internal Affairs (MVD) division police station in Vladimir Oblast. According to the SKR press service, Kotov was arrested on suspicion of breaking into a home. Kotov disappeared on October 16, and his family later found his body, which showed signs of torture, in the morgue, where it had been taken by the MVD division. Kotov had spent about an hour at the MVD station. According to the police shift commander, Captain D. Aliyev, Kotov mutilated himself (including genitalia) at the police station, then walked out on the stair landing and fell to his death. Police stated that video evidence from surveillance cameras within the police station was unavailable as the tapes had been reused. Family members believed that police officers at the station killed Kotov.

On October 7, the case of Sapiyat Magomedova, a human rights lawyer charged in 2010 with "insult to a representative of authority" after she was beaten by police at a police precinct, was returned to the prosecutor's office when the judge ruled the charges unjustified. Although Magomedova was able to identify the officers whom she claimed attacked her, the Khasavyurt City Court asked the prosecutor to reexamine the case against two of the officers in September and halted the trials of the other two until further notice. On November 14, the Dagestan Supreme Court rejected Magomedova's appeal to overturn the Khasavyurt City Court's prior deci-

sion, with the expectation that criminal charges would be refiled. Magomedova remained under a travel ban at year's end.

There continued to be attacks on political and human rights activists, critics of government policies, and persons whom the government considered supportive of the opposition. On June 6, Bakhrom Hamroev, a human rights defender who worked on issues related to Central Asia and Islam with the NGO Human Rights Center Memorial, was beaten by unidentified men near his home. He was repeatedly punched, kicked, and sprayed with mace. Investigators discovered that the lens of the video camera on the front door of the building was covered with chewing gum, suggesting that the attack was premeditated. Hamroev was previously attacked in December 2010, he alleged by law enforcement officers.

On March 14, it was reported that investigators formally charged Andrey Chernyshev, a department head in the administration of the Khimki district in Moscow Oblast, and five others with organizing a 2010 attempt to murder environmental activist Konstantin Fetisov. No trial date was set.

During the year reports by refugees, NGOs, and the press suggested a pattern of beatings, arrests, and extortion by police when dealing with persons who appeared to be of Caucasus, Central Asian, African, or Roma ethnicity.

Human rights activists told Moskovskiye Novosti that they received complaints daily about illegal detentions in psychiatric hospitals throughout the country. In November the newspaper reported that the director of a state psychiatric hospital in Kome committed hospital staff member Svetlana Punegova to the psychiatric ward against her will. Punegova was reportedly forced to spend more than 24 hours in confinement, together with patients diagnosed with serious mental illnesses, after she persisted in asking for a salary increase. When she was released, she immediately filed a criminal complaint against the hospital, and the Investigative Committee initiated a case for "unlawful placement in a hospital." On November 10, the Federal Investigative Committee determined that Punegova should be sent to Moscow for expert psychiatric analysis to be used in the investigation because it did not trust local doctors to conduct relevant tests.

Physical abuse and hazing continued to be a problem in the military. On October 20, Vladimir Molodykh, head of the Main Military Prosecutor's Directorate, reported that more than 1,500 cases of hazing had been registered during the year, a 25 percent drop from 2010. Chief Military Prosecutor Sergey Fridinskiy stated that in the first half of 2011, assault charges were brought against 75 lieutenants and more than 170 sergeants. The Committee of Soldiers' Mothers received approximately 25,000 complaints about hazing during the year, approximately the same number as in 2010. The complaints mostly concerned alleged beatings but also included alleged sexual abuse, torture, and enslavement. According to the Committee of Soldiers' Mothers, soldiers often did not report hazing to unit officers or military prosecutors due to fear of reprisal, since in some cases officers allegedly tolerated or even encouraged hazing as a means of controlling their units. Such cases were usually investigated only following pressure from family members, NGOs, or the media.

In July a conscript from Chelyabinsk was badly beaten with a rifle butt by an officer in Stavropol Krai, leading him to attempt suicide by jumping out of a fifth floor window. The conscript was hospitalized in serious condition but was able to give details of the incident. The officer involved gave himself up and testified about the details of the incident, which did not result in criminal charges of "incitement to suicide." The officer was relieved of duty.

Prison and Detention Center Conditions.—According to the FSIN, as of December 1, the prison population was 749,600. This figure included 634,500 offenders held in 760 correctional colonies, 42,900 offenders in open colonies, 1,620 prisoners serving life sentences in five prisons, and 2,900 juveniles in 47 educational colonies. In addition, approximately 112,400 detainees were being held in 230 pretrial detention centers, compared with 129,800 in 2010. There were approximately 62,200 women in prison. In 13 facilities, women were allowed to have their children with them.

Detainees were held in five types of facilities: temporary police detention centers, pretrial detention facilities, correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies for juveniles.

The Russian federal standard of space per person in detention is a minimum of 43 square feet, which was generally followed but less than the 75 square-foot standard set by the European Convention on Human Rights. Prison reform activists said prison officials deliberately overcrowd prisoners whom they want to pressure. Authorities permitted some monitoring by independent nongovernmental observers.

Prison conditions remained harsh and at times life threatening, resulting in approximately 50 deaths during the year in pretrial detention centers, according to the Moscow Helsinki Group and For Human Rights. In October school principal Andrey Kudoyarov died from a heart attack after waiting 43 minutes for an ambulance. In

prison since June, Kudoyarov had exhibited signs of distress, such as increased high blood pressure, stress, and vomiting. No charges were filed against anyone at the Moscow pretrial detention center where Kudoyarov was held.

Health, nutrition, ventilation, and sanitation standards were generally poor, but varied from facility to facility. The prison director has discretion to allocate funds to improve conditions. Prisoners have access to potable water; however, it was generally limited and not clean. On November 3, Today's Press reported that female inmates at a prison in the Chuvash Republic town of Tsivilsk received approximately one quart of hot water in the morning and one at night, to be used for both drinking and hygienic needs.

There were conflicting reports on the condition of women's prisons. Some NGOs believed women had better living conditions than men, while others believed women faced harsher conditions. Most NGOs reported that women were less likely to be subjected to excessive force.

Access to quality medical care remained a significant problem in the penal system. Overall, doctors lacked proper qualifications, medicine was limited, and equipment was outdated. Specialists such as cardiologists were not available to prisoners and often only a nurse was on staff. In certain cases medical staff reportedly denied inmates medical care under orders from investigators or law enforcement officials. In pretrial detention centers, denial of medical care was often used to pressure detainees and force confessions or cooperation. On February 25, Sergey Kudeneyev, head of a directorate at the Prosecutor General's Office, stated that "in 2010, 4,423 people died at correctional facilities. This is 6 percent more than in 2009." He noted that improper provision of medical assistance to prisoners was one of the causes of the increased death rate.

There were a number of significant developments during the year in the case of Sergey Magnitskiy, a lawyer who died of medical neglect and abuse while in pretrial detention in 2009. In May the Prosecutor General's Office concluded its probe into the Ministry of Internal Affairs officers who arrested and prosecuted Magnitskiy. It found no evidence of wrongdoing. In June the Prosecutor General's Office approved the findings of the Ministry of Internal Affairs officers accused by Magnitskiy of tax fraud and the theft of 5 billion rubles (approximately $150 million). In their report the officers claimed that Magnitskiy himself carried out the theft that he reported to authorities.

On July 5, President Medvedev chaired a meeting of the Presidential Council for the Development of Civil Society and Human Rights at which the council issued its independent expert report on the case. The report found that: 1) Magnitskiy was arrested on trumped-up charges, in breach of Russian law and the European Human Rights Convention; 2) he was prosecuted unlawfully by the Ministry of Internal Affairs officers he had implicated in the $230 million theft; 3) he was systematically denied medical care; 4) instead of being provided medical care, he was beaten in custody, which was a proximate cause of his death; 5) after his death, detention center officials falsified his medical records; and 6) there was an ongoing cover-up and resistance by all government bodies to investigate the $230 million theft that Magnitskiy exposed.

Following the release of the council's findings, President Medvedev acknowledged that a "crime had been committed." However, on August 2, police refused a request by the council to reinvestigate Magnitskiy's death. On August 12, the Investigative Committee charged Larisa Litvinova, laboratory doctor at the pretrial detention center that had held Magnitskiy, with involuntary manslaughter; the detention center's deputy chief in charge of medical issues, Dmitry Kratov, was charged with negligence. On September 6, the Ministry of Internal Affairs announced that it would reopen the tax fraud investigation of Magnitskiy. Magnitskiy's family asked for the case to be closed, but their request was ignored, seemingly contradicting a 2011 Constitutional Court ruling in a separate case. On November 24, the Investigative Committee extended its investigation into the death of Magnitskiy until January 2012.

In November 2010 Taisiya Osipova, wife of opposition leader Sergey Fomchenkov, was arrested at her home in Smolensk by 20 police officers from the Department to Combat Extremism of the Russian Federation on drug possession charges. While in pretrial detention, authorities reportedly pressured her to provide information on her husband by threatening to deny her parental right to her six-year-old daughter and deny her adequate medical care. She suffered from diabetes, pancreatitis, chronic pyelonephritis, and chronic toxic-allergic hepatitis. On June 16, the court ordered a medical examination, which was carried out on July 7, but no diagnosis was made. Osipova's lawyer claimed the examination was not thoroughly conducted, and the lack of diagnosis was being used to reduce Osipova's claim of inadequate med-

ical treatment. On December 29, a Smolensk district court sentenced Osipova to 10 years in prison for the possession and sale of drugs.

On February 25, Aleksandr Reimer, director of the FSIN, stated that approximately 90 percent of persons incarcerated in federal institutions had some type of illness, including more than 410,000 with significant illness. Of 819,200 detainees incarcerated as of January 1, approximately 67,000 inmates had mental disorders, 38,500 had active tuberculosis, 55,000 had HIV, 58,000 had a drug dependency, and 1,720 had some form of cancer. Tuberculosis infection rates were far higher in detention facilities than in the population at large.

Abuse of prisoners by prison staff continued to occur. For example, on October 28, Sergei Zychkov, deputy warden of settlement colony Number 4 in the village of Priozerny in the Amur Region, was sentenced to two months in jail after a video showing him beating a female inmate was released.

Abuse of prisoners by other prisoners continued to be a problem. There were elaborate inmate-enforced caste systems in which certain groups, including informers, homosexuals, rapists, prison rape victims, and child molesters were considered "untouchables" (the lowest caste). Prison authorities provided little or no protection to these groups.

Prisoners generally were permitted religious observance and access to religious figures and literature; however, there were cases of prisoners denied access. Some Muslim prisoners complained they were not allowed to pray five times a day or were not given a prayer rug. For security purposes offenders from the North Caucasus region were often sent to prison far from their homes, which could restrict access to their religion if there were no mosques or imams in the area of incarceration.

Prisoners were given visitation rights; however, access to visitors can be taken away depending on the circumstances. Those serving a regular sentence in a prison were allowed four three-day visits per year with their spouses. On occasion visits were cancelled if the prison did not have enough space. Prisoners still under investigation can be denied visitors, a decision made not by the prison director but by the judge or investigator in the case. Relatives who were deemed a threat can also be prohibited from visiting prisoners. The number of visitors was limited, usually to two adults and two children.

According to Penal Reform International, while the government took steps to improve prison conditions, including improvement in the condition of isolation cells, prisoners continued to suffer from overcrowding, inadequate food, lack of sanitation, and poor living conditions.

Unofficial prisons, many of which were in the North Caucasus region, continued to exist throughout the country.

The law regulating public oversight of detention centers allows public oversight commission (POC) representatives to visit the facilities. There were 76 registered POCs staffed by unpaid volunteers who worked in groups of up to 20 people. Only POCs were permitted to regularly visit prisons to monitor conditions. Other organizations, such as the Red Cross, could not visit prisons regularly and not without prior notice. There were reports that prison officials, citing disease or danger, denied access for inspectors to facilities upon arrival. The law does not establish procedures for local authorities to respond to POC findings or recommendations. Successful monitoring and implementation of reform therefore depended on prison directors, some of whom were cooperative, while others were reportedly obstructionist.

There are no prison ombudsmen. In theory prisoners are allowed to file complaints against the penal system with POCs or with the human rights ombudsman's office, but in practice this did not occur without censorship. Inmates were often afraid of reprisals, leading to self-censorship. Complaints that reached the POCs were often less serious and focused on minor personal requests, not the system itself. Prison reform activists reported that only prisoners who felt they had no other option would risk the consequences and file a complaint.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, in practice problems remained.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs, the Federal Security Service (FSB), and the Office of the Prosecutor General are responsible for law enforcement at all levels of government. The FSB is responsible for security, counterintelligence, and counterterrorism, and also for fighting crime and corruption. The national police force under the Ministry of Internal Affairs is organized at the federal, regional, and local levels.

According to Yuriy Draguntsov, director general of security for the Ministry of Internal Affairs, 1,166 staff members were convicted of criminal misconduct in the first half of 2011, an increase of 25 percent from the same period the previous year. During this period, 35,000 officers (an increase of 9 percent) were registered in con-

nection with crimes, and 60,500 crimes and infractions were committed (an increase of 21 percent). As of December 1, more than 10,000 employees (a 20 percent increase) were recommended for dismissal, while approximately 1,880 (a 19 percent increase) police officers were fired.

Arrest Procedures and Treatment While in Detention.—By law an individual may be held in custody for up to 48 hours without court approval if arrested at the scene of a crime, provided there is evidence of the crime or a witness. Otherwise, an arrest warrant is required. After arrest detainees are typically taken to the nearest police station, where they are informed of their rights. Police are required to document the grounds for detention. This document must be signed by the detainee and the police officer within three hours of detention.

Police must interrogate the detainee within the first 24 hours of detention. Prior to interrogation the detainee has the right to meet with an attorney for two hours. No later than 12 hours after detention, police must notify the prosecutor. They must also notify the detainee's relatives unless a prosecutor issues a warrant to keep the detention secret. Police are required to release a detainee after 48 hours, subject to bail conditions, unless a court decides to prolong custody in response to a motion filed by police no later than eight hours before the expiration of the 48-hour detention period. The defendant and his or her attorney must be present at the court hearing.

By law police must complete the investigation and transfer the case to a prosecutor for arraignment within two months of a suspect's arrest, although a court may extend a criminal investigation for up to six months. With the personal approval of the prosecutor general, a judge may extend that period up to 18 months. According to some defense lawyers, these time limits were often violated in practice.

There were a number of problems relating to defendants' ability to obtain adequate defense counsel. There were reports of police occasionally obtaining defense counsel friendly to the prosecution. These "pocket" defense attorneys agreed to the interrogation of their clients in their presence, while making no effort to defend their clients' legal rights. The general ignorance of legal rights on the part of both defendants and their legal counsel contributed to the persistence of these violations. In many cases, especially in more remote regions, defense counsel was not available for indigent defendants. Judges usually did not suppress confessions of suspects if they were taken without a lawyer present. They also freed suspects who were held in excess of detention limits, although they usually granted prosecutors' motions to extend the detention period for good cause.

Legal limitations on detention were generally respected throughout the country, with the exception of the North Caucasus. There were reports of occasional violations of the 48-hour limit for holding a detainee. At times authorities failed to write the official detention protocol within the required three hours after the actual detention and held suspects longer than the legal detention limits.

In April President Medvedev signed a law regulating lawyers' visits with their clients in detention facilities. The law prohibits lawyers from bringing cell phones, video cameras, or recording devices into the detention facility.

There were some reports of arbitrary detention. On November 1, a six-year-old boy was questioned alone by police in Moscow for several hours while his father, Sergey Aksyonov, was detained for organizing an unsanctioned opposition rally. According to online news source Gazeta.ru, the order to detain them was given by an officer of the antiextremism unit of the Moscow city police. No charges were filed against the boy or police. It is illegal to question a child without an adult guardian present.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, judges remained subject to influence from the executive branch, the military, and other security forces, particularly in high profile or politically sensitive cases. The law requires judicial approval of arrest warrants, searches, seizures, and detentions. This requirement was generally honored, although the process of obtaining judicial warrants was occasionally subverted by bribery or political pressure.

A report in May by the commissioner for human rights, Vladimir Lukin, noted that slightly more than 50 percent of the complaints received by his office were filed in connection with violations of personal (civil) rights. Of these, 64.9 percent related to the violation of the right to a fair trial.

A May report by the EU-Russia Center noted that judges routinely received intimidating telephone calls from superiors instructing them how to rule in specific cases. The Presidential Council for the Development of Civil Society and Human Rights reported that "in practice [judges] do not possess genuine, as opposed to declaratory, independence. The powers of a judge who does not agree to carry out the requests may be prematurely terminated. In such a situation, the conscientious

judge is subject to pressure from within the judicial system and has no chance of defending his or her own rights."

In many cases authorities did not provide adequate protection for witnesses and victims from intimidation or threats from powerful criminal defendants.

Trial Procedures.—Trials typically are conducted before a judge without a jury (bench trials). The defendant is presumed innocent. The law provides for the use of jury trials for a limited range of crimes in higher-level regional courts. Certain crimes, including terrorism, espionage, hostage taking, and mass disorder, must be heard by panels of three judges rather than by juries. Juries try approximately 600 to 700 criminal cases each year, a very small percentage of the total number. While judges acquit approximately 1 percent of defendants, juries acquit an estimated 20 percent of defendants. The law allows for the appeal of acquittals. Approximately 30 percent of acquittals are reversed on appeal and remanded for new trials, although these cases often end in a second acquittal.

During trials the defense is not required to present evidence and is given an opportunity to cross-examine witnesses and call defense witnesses. Defendants who are in custody during the trial are confined to a caged area. Defendants have the right of appeal. Prior to trial defendants are provided a copy of their indictment, which describes the charges in detail. They are also given an opportunity to review their criminal file following the completion of the criminal investigation. The law provides for the appointment of an attorney free of charge if a suspect cannot afford one, although the high cost of competent legal service means lower-income defendants often lacked competent representation, and there were few qualified defense attorneys in remote areas of the country. Defense attorneys are allowed to visit their clients in detention, although defense lawyers claimed that their conversations were monitored electronically by informants and that sometimes prison authorities did not provide them with access to their clients.

Plea bargaining in criminal cases has been used since 2002, but the government changed the law in 2009 to allow a defendant to receive a reduced sentence for testifying against others. Plea bargains reduced defendants' time in pretrial detention in approximately 50 percent of the cases, reduced the average prison term to no more than half of the otherwise applicable statutory maximum, and allowed courts and prosecutors to devote their resources to other cases.

The European Court of Human Rights (ECHR) on multiple occasions found the country in violation of provisions of the European Convention on Human Rights related to trial procedures. In 2010 violation of the right to a fair trial was among the three most frequent violations cited by the court in its 1,019 judgments against Russia.

On May 31, the ECHR ruled on a 2004 complaint filed by former Yukos oil company owner Mikhail Khodorkovskiy, after his first conviction, finding violations of the European Convention on Human Rights due to the conditions of Khodorkovskiy's detention, the speed and circumstances under which the charges were brought against him, and the length of continued detention pending the investigation and trial. The court ordered the government to pay Khodorkovskiy $35,000.

On September 20, the ECHR dismissed claims that Russia abused the law to destroy Yukos and seize its assets. However, the court ruled that Russia violated Yukos' right to protection of property and that Russian authorities violated provisions of the European Convention on Human Rights, including Article 6, the right to a fair trial.

In December 2010, in a second criminal case, a Moscow court convicted Khodorkovskiy and his business partner, Platon Lebedev, of financial crimes and sentenced each to 13 years in prison. On September 13, the Supreme Court ruled that Khodorkovskiy and Lebedev were illegally held in pretrial detention from May to August 2010, during their second trial, based on amendments to the criminal code adopted in April 2010 that abolished pretrial detention for economic crimes. The convictions raised concerns about selective prosecution and about the rule of law being overshadowed by political considerations. Khodorkovskiy and Lebedev had both been denied parole repeatedly.

On December 21, independent experts working under the aegis of the Presidential Council for the Development of Civil Society and Human Rights recommended that the Investigative Committee reconsider the criminal case to review the basis for the original investigation and to consider new evidence. The report questioned the legal basis of the charges and validity of the verdict in the second trial.

Political Prisoners and Detainees.—Authorities selectively detained and prosecuted members of the political opposition (see section 2.b., Freedom of Assembly). Human rights organizations and activists also identified up to 39 individuals during the year as political prisoners, including Khodorkovskiy, Lebedev, Aleksey Sokolov,

Zara Murtazaliyeva, and Valentin Danilov. On July 27, authorities released Sokolov, head of an NGO that investigates corruption and abuse in prisons, on parole, after two earlier requests were denied. In the case of Murtazaliyeva, in November 2010 the ECHR asked the government why it did not question all available witnesses or allow the defendant and her attorneys to view the video materials the accusation was based on during the trial. Russia was obliged to answer before March 9 but had not responded by year's end. Murtazaliyeva was serving a nine-year sentence handed down in 2004 for allegedly preparing a terrorist attack in Moscow. Danilov, sentenced in 2004, was serving a 13-year prison sentence for allegedly transferring classified technology to China, although colleagues asserted that the information was declassified more than a decade before his arrest. Although eligible, Danilov had not sought parole.

Regional Human Rights Court Decisions.—By law any person may file a complaint with the ECHR concerning alleged violations by the state of human rights under the European Convention on Human Rights, provided they have exhausted "effective and ordinary" appeals in the country's own courts. As of October the ECHR had received more than 41,300 complaints involving the country since 1996. Of the 133 cases involving the country heard by the ECHR during the year, the court found violations of the European Convention in 121 cases. The most frequent violations found by the court (some cases had multiple violations) were violations of the right to liberty and security (68 cases), inhuman or degrading treatment (62 cases), and lack of effective investigation (58 cases).

In November Human Rights Watch stated that since 2005, ECHR had issued more than 170 judgments holding the state responsible for grave human rights violations in the Caucasus region, primarily issuing fines for failure to carry out effective investigations into abductions, deaths, and damages related to conflicts in Chechnya and Ingushetia. In these cases the court also charged the country with failure to protect the right to life, failure to provide effective remedy, and causing mental suffering.

In March the ECHR ruled that the residents of the Chechen village of Kogi, where five civilians were killed and 30 houses were destroyed by a 1999 air attack, should receive 1.5 million euros ($1.95 million) in compensation from the government.

While the government generally paid compensation to victims when ordered to do so, it did not fully implement judgments that called for conducting effective investigations and holding perpetrators accountable. The government generally failed to change systemic practices that the ECHR has repeatedly condemned. During the year, according to the Committee of Ministers of the Council of Europe, the government ignored one class action suit involving 154 individual cases that found the government responsible for killings, abductions, and torture in Chechnya.

Civil Judicial Procedures and Remedies.—Although the law provides mechanisms for filing lawsuits against authorities for violations of civil rights, these mechanisms often did not work well in practice. For example, the law provides that a defendant who has been acquitted after a trial has the right to compensation from the government. In practice human rights activists claimed that authorities avoided paying compensation through procedural means, such as leaving cases in pending status. Persons who believed their civil rights had been violated typically sought redress in the ECHR after the courts had ruled against them.

On May 4, a law entered into force allowing petitioners to request "reasonable" financial compensation for violation of "reasonable" time limits in the consideration of criminal and civil cases, including the enforcement of judgments.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law forbids officials from entering a private residence except in cases prescribed by federal law or on the basis of a judicial decision. The law also prohibits government monitoring of correspondence, telephone conversations, and other means of communication without a warrant and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his or her consent. While these provisions were generally followed, there were allegations that government officials and others engaged in electronic surveillance without judicial permission and entered residences and other premises without warrants.

Law enforcement agencies require telecommunications service providers to grant the Ministry of Internal Affairs and the FSB 24-hour remote access to their client databases, including telephone and electronic communication and records, enabling police to track private communications and monitor Internet activity. The law permits authorities to monitor telephone calls in real time. The Ministry of Information and Communication requires telecommunications companies and Internet service providers to allow the FSB to tap telephones and monitor information over the

Internet. The Ministry of Information and Communication maintained that no information would be accessed without a court order.

On May 2, it was reported that the Yandex search engine company had given personal data to the FSB concerning bloggers who donated money through a payment system to an online anticorruption project named "RosPil," headed by anticorruption activist Aleksey Navalniy. Some donors to the RosPil project received inquiries from anonymous individuals about their ties to the project.

Following official requests from two Duma deputies, investigators on December 21 opened a case regarding accusations that Kremlin allies illegally tapped opposition politician Boris Nemstov's phone and published the recordings online.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Violence continued in the North Caucasus republics, driven by separatism, interethnic conflict, jihadist movements, vendettas, criminality, and excesses by security forces. Dagestan continued to be the most violent area in the North Caucasus. Kabardino-Balkaria also saw an increase in violence compared with the previous year, while violence continued to decrease in Chechnya, Ingushetia, and North Ossetia.

Killings.—On April 14, the chief of the Internal Affairs Ministry Directorate for the North Caucasus, Sergey Chenchik, stated that 94 militants, including five rebel leaders, had been killed at that point in the year. He also stated that, of 67 civilians injured in the violence, 30 had died, 21 of whom were from Dagestan. On June 27, Minister of Internal Affairs Nurgaliyev stated that 40 police officers had been killed and 74 injured. The online news outlet Caucasian Knot reported that during the year there were at least 1,378 victims of the conflict in the Northern Caucasus, including 750 killed and at least 628 injured. Of the 750 killed, 335 were from the insurgents, 239 were from government forces, and 176 were civilians.

On March 21, 15 masked men kidnapped activist Ilez Gorchkhanov from a bus stop in Nazran. Gorchkhanov's body was found on April 19 in the riverbed of the Assa River on the border between Ingushetia and Chechnya. Caucasian Knot reported the body was mutilated, although official reports noted no signs of torture.

Caucasian Knot reported a reduction in bombings and terrorist attacks in the North Caucasian Federal District compared with 2010. The number of bombings fell from 138 to 93, the number of individuals killed decreased from 81 to 43 persons, and the number of wounded decreased by more than two-thirds, from 297 to 93 persons.

According to the Center for Journalism in Extreme Situations, at least three journalists were killed in the North Caucasus region during the year: Garun Kurbanov of the official press service of the Republic of Dagestan, Yakhya Magomedov of the newspaper As-Salam in Dagestan, and Khadzhimurad Kamalov, founder of Chernovik, a popular newspaper that covers sensitive issues such as police abuse, corruption, and Islamic extremism in Dagestan (see section 2.a.).

On July 28, the Glasnost Defense Foundation (GDF), a nonprofit journalist organization, reported that Kurbanov, head of information policy and the Dagestan presidential press service, was killed along with his driver while leaving his house. The president of Dagestan, Magomedsalam Magomedov, along with other officials, maintained that Kurbanov's killing was connected to his official duties and communication with rebels. Two unidentified gunmen alleged to have killed Kurbanov were not found.

There continued to be reports of indiscriminate use of force by security personnel, resulting in numerous deaths, without prosecution for their conduct.

Caucasian Knot reported on July 6 that security forces of the Ministry of Internal Affairs shot at civilians after militants shelled a military convoy. The human rights organization Memorial reported that as a car full of Dagestani residents approached the scene, security forces fired at their vehicle. Passengers in other cars got out with their hands in the air; they were reportedly shot. Three persons were killed and others were wounded. Rebels also killed civilians for reasons related to their profession or activities they believe to be un-Islamic. Caucasian Knot reported that on June 7 in Makhachkala, two unidentified persons shot and killed Maksud Sadikov, a Sufi Muslim and chancellor of the Institute of Theology and International Relations, and his nephew. Inspectors believed the crime to be related to Sadikov's professional activities, particularly his active stand against extremist Islamic beliefs.

On July 9, Sadikullah Akhmedov, a school principal in Sovetskoye, Dagestan, was shot and killed. Suspicion fell on local extremists, who had condemned Akhmedov's policy of enforcing a school uniform code that banned female students from wearing headscarves. Members of the Presidential Council for the Development of Civil Society and Human Rights urged law enforcement bodies to investigate the killing.

In June a court in Vienna convicted Otto Kaltenbrunner (formerly known as Ramzan Edilov), Suleiman Dadayev, and Turpal-Ali Yesherkayev of participating in

the 2009 killing of Umar Israilov. Kaltenbrunner received a life sentence; Dadayev received 19 years in prison, and Yesherkayev 16 years. Israilov, a former bodyguard of Chechen leader Ramzan Kadyrov, became a critic of Kadyrov's rule and filed a complaint with the ECHR stating he had witnessed Kadyrov torturing prisoners and that Chechen authorities, including Kadyrov, had also beaten and tortured him and his family. According to the European Center for Constitutional and Human Rights, an expert witness testified at the Vienna trial that the man suspected of pulling the trigger, Letscha Bogatirov, was promoted by the Kadyrov government following the killing as a reward for his actions.

Abductions.—Government personnel, rebels, and criminal elements continued to engage in abductions in the North Caucasus. The head of the Prosecutor General's Office for the North Caucasus stated in June that more than 2,100 disappearances remained unsolved in the North Caucasian republics. Security forces in Chechnya, Dagestan, and Ingushetiya frequently abducted or detained individuals for several days without immediate explanation or charge. Human rights groups believed the numbers of abductions were underreported because victims' relatives were reluctant to complain to authorities due to fear of reprisal. Generally, there was no accountability for government security personnel involved in abductions. Criminal groups in the region, possibly with links to rebel forces, frequently resorted to kidnapping for ransom.

On January 23, Memorial reported that at least eight Russian citizens from the North Caucasus had been kidnapped since September 2010. According to Caucasian Knot, in the first 11 months of 2011, there were 64 disappearances, 28 of which took place in Dagestan, 20 in Chechnya, 13 in Ingushetia, and three in Kabardino-Balkaria.

Human rights groups alleged that security forces under the command of Kadyrov played a significant role in abductions, either on their own initiative or in joint operations with federal forces, including abductions of family members of rebel commanders and fighters.

Caucasian Knot and Amnesty International reported that on May 7, Chechen security force members captured Tamerlan Suleymanov. He was allegedly tortured and forced to confess to preparing an act of terror. He was released but abducted again from his work on May 9 by two men. Two of his coworkers tried to stop the kidnappers but were beaten as well. He remained missing despite witness testimony about the make, model, and license numbers of the vehicles.

According to Amnesty International, on September 4, 22-year-old Amir Chaniev of Ingushetia disappeared after approximately 30 law enforcement officers searched his home without authorization and led him away. Chaniev's 19-year-old sister, Karina, was detained the next day and told that her brother was on a police wanted list, for reasons officers did not specify. She reportedly was told to sign a release or she would not see her brother again. According to Memorial, on October 20, Karina was convicted of aiding terrorist Arthur Amriev and sentenced to one year in a penal colony in Kabardino-Balkaria. Amir Chaniev's whereabouts remained unknown.

Physical Abuse, Punishment, and Torture.—Armed forces and police units reportedly abused and tortured both rebels and civilians in holding facilities. On September 22, Malik Appa of Karbardino-Balkaria claimed that police unlawfully detained and tortured him with beatings and electric shocks until he admitted ownership of a hand grenade. According to Memorial, a forensic examination was carried out, which noted injuries on his body: a burn wound on the left buttocks; abrasions on his left little finger, right leg, and nose; and a bruise on his left shoulder.

On May 23, Amnesty International reported that Chechen police were obstructing the investigation into the alleged 2009 unlawful detention and torture of Islam Umarpashayev. In December 2009 Umarpashayev was abducted from his home in Chechnya and held incommunicado until his release in April 2010. Umarpashayev reported that he was held at the headquarters of the Chechen Special Task Police Force, where he said he was handcuffed to a radiator for three months, beaten, and threatened. After that he and his family were relocated to an area outside of Chechnya to help ensure their safety.

On March 23, masked men in Nazran detained opposition activist Magomed Khazbiev, a member of the Expert Council under the human rights ombudsman of the Russian Federation, and his brothers Berd and Murad after they participated in a protest against the abduction of activist Ilez Gorchkhanov. The masked men took the brothers from their home and beat their parents. Police reportedly beat Berd and Magomed while they were in custody; a judge sentenced the two brothers to 10 days of administrative arrest for organizing an unsanctioned demonstration.

Burning the homes of suspected rebels, a mechanism of collective punishment in use since 2008, reportedly continued. On July 6, Caucasian Knot reported that in the settlement of Geldagan, Chechnya, several houses belonging to families of young people who had recently joined the insurgency were burned down.

The Independent Commission on Human Rights in the Northern Caucasus, headed by the chairman of the State Duma Committee on Legislation, continued to hear hundreds of complaints, ranging from destruction or theft of property to rape and killing. However, the commission was not empowered to investigate or prosecute alleged offenders and referred complaints to military or civil prosecutors. Chechnya's Human Rights Ombudsman Nurdi Nukhazhiyev was uncooperative with the area's leading NGO, Memorial.

According to the Landmine and Cluster Munition Monitor, no new reported minefields were laid in the North Caucasus over the last several years. However, mine contamination remained an issue. Chechen officials and human rights organizations estimated that 96 square miles of land was mine-affected and 2.5 percent of Chechnya's total agricultural land rendered unusable. Additionally, the military made more than 600 site visits in the Southern Federal District during the year, clearing mines and unexploded ordnance from World War II.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press; however, in practice government pressure on some media constrained coverage of certain controversial issues, resulting in numerous infringements of these rights.

While the government generally respected citizens' right to freedom of speech, state-controlled media frequently ignored critical voices with regard to the conduct of federal forces in the North Caucasus, human rights, high-level corruption, and opposition political views. Some regional and local authorities took advantage of procedural violations and vague legislation to detain persons who expressed views critical of the government.

In other cases the government used direct ownership, or ownership by large private companies with government links, to control or influence major national media and regional media outlets, especially television. There were reports of self-censorship in the television media, particularly on issues critical of the government.

Freedom of Speech.—The government on several occasions restricted the ability of individuals to criticize the government publicly or privately or discuss matters of general public interest without reprisal. For example, on August 11, the GDF reported that Bui-TV, a private television/radio network in Kostroma Oblast, had been subjected to pressure through frequent inspections, confiscation of equipment, and anonymous phone threats. Journalists at Bui-TV linked this pressure campaign to their professional activities and saw it as municipal authorities' reaction to criticism.

Freedom of Press.—More than 60 percent of the country's 45,000 registered local newspapers and periodicals were owned directly by the government or by state-owned/state-controlled companies. Approximately 66 percent of the 2,500 television stations, including all six national news channels, were completely or partially owned by the federal and local governments.

In the period preceding the December 4 Duma elections, international observers criticized the unbalanced access to the media, particularly television, for candidates in elections, noting that, as in previous elections, candidates from the ruling party, United Russia, received favored media access. Observers also noted press freedom abuses, including harassment of media outlets, lack of equal access to information, and arbitrary application of rules. Media coverage of major political protests after the December 4 elections were largely covered by the major state-run television stations in a more balanced manner, with many of the protesters given air time to criticize the conduct and integrity of the elections and the government.

On October 31, the Communist Party criticized state television channels for not providing equal airtime, as mandated by election law, to all political parties competing in the Duma elections. A letter sent to the chief executives of three Russian state channels, Channel One, NTV, and Rossiya, did not garner a public response. This came after the Central Election Commission agreed on July 15 to compensate political parties currently holding seats in the parliament for air time that they did not receive in the previous election.

Violence and Harassment.—There were conflicting reports on the numbers of journalists killed and attacked during the year. According to the Center for Journalism in Extreme Situations, four journalists were killed, while the GDF and Kommersant Vlast magazine both reported that six journalists were killed. The GDF also re-

ported that, since the beginning of the year, there had been 39 attacks on journalists, while Kommersant Vlast reported 81 attacks on media representatives and four on media offices, compared with 58 and eight, respectively, in 2010. In November Pavel Gusev, chairman of the Public Chamber's Committee on Information Policy, reported that 150 journalists were attacked since January. NGOs supporting independent media characterized beatings of journalists by unknown assailants as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk. A joint report released in April by the Russian Union of Journalists and the International Federation of Journalists noted a downward trend in the number of journalists murdered in recent years, while the number of attacks increased. The report also described a climate of impunity for those who attack journalists, since very few of these crimes were solved.

On December 14, Khadzhimurad Kamalov, founder of the Dagestani newspaper Chernovik, was shot 14 times and killed outside his office in Makhachkala by a masked man who escaped in a waiting car. Kamalov was critical of security services' abuses in Dagestan and was working to expose corruption in the republic. In 2009 he had been placed on a "death list" that was distributed throughout Makhachkala. Police opened an investigation into his killing.

On September 9, Memorial and the family of former investigative journalist Nataliya Estemirova, who was abducted and killed in 2009, filed a joint complaint with the ECHR stating that, official pronouncements notwithstanding, neither prosecutors nor investigators had given them any reason to believe that Estemirova's murder had been solved. On February 26 and September 15, the lead investigator in case announced that authorities knew who killed her and had DNA evidence but were unable to make an arrest. At the time she was killed, Estemirova was working on a documentary on the government's alleged arson campaign in Chechnya.

On May 31, Rustam Makhmudov, the suspected hit man in the 2006 killing of investigative journalist Anna Politkovskaya, was arrested. He was awaiting trial in Moscow. On August 23, Dmitry Pavlyuchenkov, a former chief of the fourth division of the Moscow City Police Operational Search Department, was arrested and charged with arranging the contract killing of Politkovskaya. According to Novaya Gazeta, Pavlyuchenkov previously was a "secret witness" for the prosecution and was therefore questioned in a "secret procedure." On September 2, Sergey Khadzhikurbanov, a former police officer with the Moscow Directorate for Combating Organized Crime, was arrested in connection with the killing. On September 3, Lom-Ali Gaytukaev of Chechnya was named as the potential mastermind of Politkovskaya's killing by Vladimir Markin, a spokesman for the Investigative Committee. On October 28, Gaytukaev was charged as an accessory to murder for his role in the killing. Human rights groups contended, however, that the government took no steps to find and prosecute the person who ultimately ordered the killing of Politkovskaya.

There was no new information regarding investigations into the 2004 murder of journalist Paul Klebnikov.

On May 11, the Zamoskvoretskiy Court in Moscow refused to file criminal charges in the beating of Gazeta.ru journalist Aleksandr Artemev, whose arm was allegedly broken by a policeman at a May 2010 rally organized by the "Strategy 31" freedom of assembly movement.

On December 22, the Altai Republic's Supreme Court reportedly upheld the acquittal of Sergey Mikhaylov on 2010 charges of instigating interethnic strife and insulting a government official and cancelled Mikhaylov's criminal conviction of libel for defaming Governor Alexander Berdnikov. However, the court upheld Berdnikov's civil claim and ordered Mikhaylov to pay Berdnikov 200,000 rubles (approximately $6,200) in moral damages.

There was no new information regarding investigations into the 2010 beating of journalist Arkadiy Lander. No arrests were made in the 2010 beating of journalist Oleg Kashin.

On November 17, parliament passed a law establishing sentencing guidelines of six years in prison or five years of forced labor for threats and violence against journalists. Human rights groups welcomed the legislation..

Censorship or Content Restrictions.—The government continued to use legislation and decrees to curtail media freedom. The law provides an expansive definition of extremism and gives law enforcement officials broad authority to suspend media outlets that do not comply with the law's restrictions. The Ministry of Justice continued to expand its list of "extremist" materials to include more than 1,000 items, up from 700 in 2010. Among the items on the list are the following: a picture of Winnie the Pooh wearing a swastika; a flag with a cross; the Web site Samizdat, which was similar to Wikipedia and had more than 500,000 subscribers; and literature of peaceful religious groups, such as the Jehovah's Witnesses.

By law authorities have the right to close any organization, including media outlets, that a court determines to be "extremist." The organization in question cannot challenge the court's decision.

Officials or unidentified individuals sometimes used force or took other extralegal measures to prevent the circulation of publications critical of government officials. The GDF reported that there were 50 attempts by officials to seize or prevent distribution of publications, compared with 23 in 2010. On July 14, approximately 90 percent of the July 4 issues of Kommersant Vlast magazine were removed from newsstands in St. Petersburg, reportedly following an unofficial order from city government officials upset over unfavorable coverage of then governor Valentina Matviyenko. No copies of the magazine were removed from newsstands elsewhere. The St. Petersburg Human Rights Council issued a statement asking the city prosecutor's office to investigate.

On August 2, the entire print production (40,000 copies) of Izvestia Kaliningrada was seized by the Road Safety Inspection Agency and the Regional Center for Combating Extremism. The head of the Regional Center for Combating Extremism, Aleksander Shelyakov, stated that he acted because he had received a tip that the publication contained extremist information. That particular issue of Izvestia Kaliningrada, published on the eve of President Medvedev's visit to Kaliningrad, contained an open letter to Medvedev calling for the regional government's removal on the grounds that several of its members were implicated in corruption. Reporters Without Borders considered the confiscation of the print run to be an attempt by regional leaders to silence the media.

The federal government also took measures to censor opposition parties. After the St. Petersburg municipal elections in July, the government either bought up or prevented the distribution of several editions of newspapers that included critical comments on the conduct of the elections.

Government officials often influenced content on television, insisting that certain opposition figures, for example, not be shown. There were regular meetings between government officials responsible for communications strategy and the heads of state-run television to review past television coverage and decide on future television coverage of most political and social issues. The GDF reported there were 52 attempts to censor the media during the year, compared with 29 in 2010.

On October 30, NTV planned to broadcast a story about abductions in Chechnya, including the work of human rights defenders in the Islam Umarpashayev case; however, the piece was taken off the air after it was shown in the Far East and the Urals and replaced by 10 minutes of commercials. A television interview with anticorruption blogger Aleksey Navalniy was not allowed to be shown in the summer after reported intervention by a number of officials, although a later critical interview was permitted in November.

Libel Laws/National Security.—Officials at all levels used their authority, sometimes publicly, to restrict the effectiveness of journalists who criticized them, including taking legal action for alleged slander or libel.

On November 22, parliament passed a law decriminalizing libel, although at year's end President Medvedev had yet to sign the bill into law.

On June 14, authorities acquitted Oleg Orlov, head of Memorial, of slander charges. Orlov was on trial for accusing Chechen leader Ramzan Kadyrov of complicity in the 2009 killing of human rights activist and journalist Natalya Estemirova. Human rights advocates and international observers criticized the prosecution of Orlov as an infringement of free speech. On June 24, Kadyrov appealed the decision; on August 8, Judge Andrey Lutov began hearings on the appeal in the Khamovniki District Court of Moscow, and the case remained pending at year's end.

On June 21, Judge Igor Kananovich of Moscow's Khamovniki Court acquitted Oleg Kashin of defamation against Nashi founder and head of the Federal Agency for Youth Affairs, Vassily Yakemenko. On June 22, Yakemenko filed an appeal with the Khamovniki District Court in Moscow. Yakemenko's appeal of the acquittal failed on technical grounds.

Publishing Restrictions.—According to the GDF and other NGOs, authorities used the media's widespread dependence on the government for transmission facilities, access to property, and printing and distribution services to discourage critical reporting. They reported that approximately 90 percent of print media organizations relied on state-controlled entities for paper, printing, or distribution services, and many television stations were forced to rely on the government (in particular, regional state property management committees) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate the price of printing at state-controlled publishing houses to apply pressure on private media rivals.

According to the GDF and other NGOs, authorities continued to engage in selective investigations into intellectual property rights violations (i.e., use of pirated software) to confiscate computers and pressure opposition media across the country.

Internet Freedom.—The Internet and radio were more free and independent than print media and television. Despite attempts by the government to monitor and control the Internet, it remained an open, dynamic, and growing space for free expression. In particular the use of social media and blogs expanded exponentially. Threats to Internet freedom included physical attacks on bloggers, criminal prosecutions of bloggers for "extremism" or libel, blocking of specific sites by local service providers, DDoS attacks on sites of opposition groups or independent media, and attempts by security services and some regional authorities to regulate Internet content.

In its 2010 Enemies of the Internet report, Reporters Without Borders placed the country "under surveillance" due to fears of expanding control of government media, including the Internet.

On December 28, it was reported that the Federal Service for the Supervision of Communications, Information Technology, and Mass Communications (Roskomnadzor) delayed plans to launch its service to monitor online media outlets for "extremist" content due to the inability of the contractor, Data Center, to pass programming tests. Reports claimed that the service would include the ability to monitor up to five and a half million keywords as well as screening and tracking of audio, video, and text files, with at least a partial emphasis on monitoring user-generated content, and it would primarily be searching for content that violates legal restrictions. Reporters without Borders expressed concern that authorities would abuse the content surveillance and censorship system that uses such vaguely defined concepts as "violating the unity of Russia" or "hidden inserts and other technical means and ways of distributing information that would act on people's subconscious or have a harmful influence on their health." No implementation date was announced.

In March Roskomnadzor ordered the monitoring and removal of extremist discourse in online media, with a three-day compliance window.

The government continued to employ a "system for operational investigative measures," which required Internet service providers to install, at their own expense, a device that routes all customer traffic to an FSB terminal. The system enabled police to track private e-mail communications, identify Internet users, and monitor their Internet activity.

During a May interview, Kommersant reporter and blogger Oleg Kashin, who was brutally attacked in 2010, reported that the investigation of his case had stalled. Kashin was not hopeful his case would be solved, since more than a year had elapsed since the attack, and the investigator was replaced in November.

Academic Freedom and Cultural Events.—The government generally did not restrict academic freedom; however, there were reports of pressure on teachers, academics, scholars, and students.

On October 20, Moscow State University journalism students were prevented from attending a speech by President Medvedev at the university and replaced by allegedly progovernment youth. Numerous students were arrested for protesting the event. President Medvedev agreed to return to the university to meet with students but had not done so by year's end.

On December 7, Mikhail Suprun, a history professor in Arkhangelsk, was found guilty of violating "personal and family secrets." Suprun was researching the deportation and fate of 5,000 ethnic Germans who were sent to the gulags in Arkhangelsk Region between 1945 and 1956. During the investigation Suprun's students were questioned, and Ministry of Internal Affairs archivist Aleksandr Dudarev was arrested for assisting Suprun. Suprun was not sentenced, as the statute of limitations on his alleged crime had expired, while Dudarev was given a one-year suspended sentence and released.

On December 8, the deans of the Law Academy and the Urals Federal University reportedly exerted pressure on students who wanted to participate in public protests following parliamentary elections. The director of the Urals Mining Institute reportedly threatened students who participated with expulsion. The Urals State Economic University required all students to remain in their dormitories during the scheduled protest. Checks were made to ensure compliance.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, but local authorities continued to restrict this right in practice. The law requires notification for public meetings, demonstrations, or marches by more than one person. Local elected and administrative officials selectively denied some groups permission to assemble or offered alternate venues

that were inconveniently located. Demonstrations without official permission were often broken up by police. More than 2,400 activists were arrested during the year following public events, according to the AGORA human rights association.

Many observers noted a selective and consistent pattern of officials encouraging rallies friendly to the government while preventing politically sensitive demonstrations.

On March 31, Igor Kalyapin, head of the Interregional Committee Against Torture, a leading human rights organization, was arrested by police in Nizhny Novgorod during a freedom of assembly ("Strategy 31") rally. Kalyapin and a colleague attended the March 31 event to monitor police compliance with international standards for free assembly. The police arrested Kalyapin and approximately two dozen protesters. Kalyapin was interrogated by police officials and released pending trial for "participation in an unsanctioned demonstration."

Left Front opposition movement leader Sergey Udaltsov was sentenced 14 separate times during the year, and spent approximately 120 days in jail in 10- to15-day increments due to a succession of minor charges including disobeying police during protests and leaving a hospital during treatment without permission. On December 13, Amnesty International called for Udaltsov's release as a prisoner of conscience. On December 25, a Moscow court extended Udaltsov's sentence an additional 10 days for allegedly resisting police at an October protest.

Freedom of Association.—The law provides for freedom of association, and the government respected this right with a number of significant exceptions. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. Restrictions were applied in a selective manner to NGOs, particularly to those receiving foreign funding or involved in issues of political opposition or in human rights monitoring. The finances of registered organizations were subject to investigation by the tax authorities, and foreign grants received were required to be registered.

Some groups that opposed powerful business interests faced intimidation from government and private security forces. Local authorities routinely pressured activists associated with the Khimki Forest Defense campaign, an environmental movement that seeks to protect the Khimki Forest outside of Moscow from development. The group's demonstrations were violently dispersed on several occasions by both police and private security personnel working for the Vinci Corporation, which was building a highway through the forest. The group lost several court cases in its attempts to halt the construction. In February police detained another activist in the campaign, Alla Chernysheva, together with her young children, and accused her of planting a fake bomb at a Khimki Forest Defense demonstration. In March local police threatened to take away the children of lead activist Yevgeniya Chirikova.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. However, the government placed restrictions on freedom of movement within the country and on migration. The government generally cooperated, with some exceptions, with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Although the law gives citizens the right to choose their place of residence, all adult citizens must carry government-issued internal passports while traveling domestically and must register with the local authorities after arriving at a new location. Authorities often refused to provide government services to individuals without internal passports or proper registration, and many regional governments continued to restrict this right through residential registration rules that closely resembled Soviet-era regulations. Darker-skinned persons from the Caucasus or of African or Asian origin were often singled out for document checks. There were credible reports that police arbitrarily imposed fines on unregistered persons in excess of legal requirements or demanded bribes.

The law provides for freedom to travel abroad, and citizens generally did so without restriction. Citizens with access to classified material, however, needed to obtain police and FSB clearances to receive a passport for international travel.

Internally Displaced Persons (IDPs).—On September 30, the UNHCR reported that there were 75,980 IDPs in the country, mainly in the North Caucasus. A total of 16,619 Chechen IDPs remained displaced to Ingushetia by Chechnya's second conflict, while an additional 2,564 IDPs lived in Dagestan. Another 20,005 IDPs re-

mained in Russia from the conflict in Georgia in the early 1990s, and 2,000 were displaced as a result of the 2008 conflict with Georgia.

Since mid-January Memorial frequently reported on the expulsions of inhabitants of Chechnya due to the construction of Argun City, a complex including houses, a mosque for 7,000 worshipers, and an entertainment center. The construction forced the eviction of IDPs from temporary accommodation centers that provided housing for persons displaced during the war. Officials provided no new accommodations or financial support.

Protection of Refugees.—Access to Asylum.—The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Nonrefoulement.—In practice the government provided some protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. However, the responsible agency, the Federal Migration Service (FMS), did not maintain a presence at airports or other border points, and the ability of asylum seekers to request access to FMS was not well publicized. Asylum seekers thus had to rely on the goodwill of border guards and airline personnel to call immigration officials or face immediate return to their countries of origin, including in some cases to countries where a well-founded fear of persecution could be demonstrated.

Members of a group of Somali refugees, who were stranded in the transit area of Moscow's Sheremetevo airport for more than a year after being denied entry into Russia, were either resettled in third countries or voluntarily returned to Somalia by year's end. The UNHCR described Ombudsman Lukin's office as instrumental in resolving this case.

By law the decision of an FMS official could be appealed to a higher-ranking authority or to a court. During the appeal process, the applicant received the rights of a person whose application for refugee status was being considered. A person who did not satisfy the criteria for refugee status, but could not be expelled or deported for humanitarian reasons, could be granted temporary asylum after submitting a separate application.

The government rarely granted convention status to those who managed to present their asylum applications to the FMS. The UNHCR and NGOs stated that asylum seekers at times faced detention, deportation, fines by police, and racially motivated assaults.

Human rights groups continued to allege that authorities made improper use of international agreements that permitted them to detain, and possibly repatriate, persons with outstanding arrest warrants from other post-Soviet states. This system, enforced by informal ties between senior law enforcement officials of the countries concerned, permitted detention for up to one month while the prosecutor general investigated the nature of the warrants.

The UNHCR and human rights groups noted an increasing trend of extralegal repatriation, in which people (most commonly from Central Asia) were detained and flown out of the country clandestinely. Rights groups maintained that this could not happen without the cooperation of several different Russian federal organs.

The UNHCR, the International Organization for Migration, and NGOs assisted the government to try to develop a more humane migration management system. The FMS cooperated well with international organizations to provide training for its officers throughout the country to ensure they understood refugee law. For asylum seekers who were allowed into the country to pursue their claims, the refugee law provides the right to temporary accommodations. However, there was only one facility with such accommodations in the country, in Ochyor, Perm Region, approximately 660 miles from Moscow. In April the BBC news service reported the facility, located 30 minutes from the town center, consisted of a collection of mobile homes with warped walls, broken windows, and leaking roofs and had previously been used by East German laborers in the 1980s.

Access to Basic Services.—While federal law provides for education for all children, regional authorities occasionally denied access to schools to children of asylum seekers who lacked residential registration. However, when parents encountered difficulties enrolling their children in schools, authorities generally cooperated with the UNHCR to resolve the problem. Authorities frequently denied migrants the right to work if they did not have residential registration. Refugees also may not legally work if they are not registered and cannot obtain registration unless they have an employer or landlord willing to register them.

Stateless Persons.—Citizenship is derived both by birth within the Russian Federation's territory, with certain restrictions, and from one's parents. A child becomes

a citizen at birth if both parents are citizens, if one parent is a citizen and the other one is stateless, if one parent is a citizen and the other is a foreigner and the child was born on the territory of the country, or if both parents are foreigners or stateless and the child was born on the territory of the Russian Federation and there is concern the child might otherwise become stateless.

The UNHCR estimated that there were 50,000 stateless persons in the country at the end of the year, with 1,716 in the North Caucasus region, based on data from local authorities and NGOs. FMS statistics indicated that, at the end of 2008, 21,443 stateless persons were registered in the country.

In Krasnodar Kray at least several hundred (with some estimates as high as 5,000) Meskhetian Turks, Batumi Kurds, Hemshils, and Yezidi refugees and environmental migrants and their descendants remained without passports and were denied the right to register as residents, depriving them of all rights of citizenship and preventing them from working legally, leasing land, or selling goods. The law in Krasnodar Kray that defines illegal migrants includes stateless persons.

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

The law provides citizens with the right to change their government peacefully in regularly scheduled national and regional elections; however, citizens could not fully exercise this right in practice, as the government limited the ability of opposition parties to organize, register candidates for public office, access the media, or conduct political campaigns.

Elections and Political Participation.—Recent Elections.—The State Duma elections on December 4 were marked by fraud and irregularities in many regions, particularly in the North Caucasus, as documented by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

In the lead-up to the elections, independent observers, media, and opposition parties reported widespread violations, including abuse of administrative resources, such as pressuring students, state budget employees, employees of state-owned companies, and others to vote for ruling party United Russia. On election day, December 4, reports of violations included fraudulent use of absentee ballots, ballot-box stuffing, manipulation of protocols, busing in voters from other regions, "carousel" schemes in which citizens voted multiple times at different locations, distribution of gifts to voters, allowing unregistered voters to vote, and preventing registered voters from voting. The Web sites of independent media outlets, including the LiveJournal blogging platform, popular radio station Moscow Echo, Kommersant, the New Times, Forbes Russia, Bolshoy Gorod, and Slon.ru news portal, were unavailable due to DDoS attacks, as was the Web site of independent election monitoring organization GOLOS, whose interactive map of election violations enabled monitors to report election irregularities at specific polling stations throughout the country.

According to ODIHR the December 4 parliamentary elections were "a competition on unequal grounds in favor of the governing party." ODIHR also found that the lack of independence of the election administration, the partiality of most media, and the undue interference of state authorities at different levels undermined fair electoral competition. OSCE/ODIHR observers received numerous credible allegations of attempts to influence voters' choices. These included allegations of civil servants being requested to sign letters in support of United Russia, owners of big companies putting pressure on employees to vote for the governing party, and school directors being instructed by local authorities to ensure that their employees voted for United Russia. Despite the lack of a level playing field, voters nevertheless took advantage of their right to express their choice. The vote count itself was characterized by frequent procedural violations and instances of apparent manipulation, including several serious indications of ballot-box stuffing.

Tiny Kox, head of a delegation from the Parliamentary Assembly of the Council of Europe, stated that at approximately 10 percent of the polling stations his team monitored, they observed packets of ballots folded together, indicating ballot stuffing. He also said that monitors from GOLOS, registered political parties, and the press were excluded from dozens of polling stations.

Chechnya reported a 99 percent voter turnout rate, with 99.5 percent of the votes cast in favor of United Russia, or 0.1 percent more than in 2007. Caucasian Knot reported that, on December 2, Chechen officials stated there were 608,797 registered voters but, on December 5, announced that 611,099 ballots had been cast, or 2,302 more than the number of registered voters given three days previously. In Ingushetia, independent observers and Caucasian Knot estimated voter turnout at just 10 percent, with numerous cases of electoral violations. Officials reported a 90

percent voter turnout rate with 78.1 percent votes cast for United Russia, versus the final Central Election Commission official result of 90.96 percent.

After the elections peaceful protests occurred in many cities throughout the country, notably on December 10, when approximately 50,000 protesters rallied in Bolotnaya Square in Moscow, and on December 24, when nearly 80,000 gathered on Prospekt Sakharova in Moscow. Despite the peaceful aspect of the protests, more than 1,000 protesters were arrested across the country during the month, the vast majority outside of Moscow and St. Petersburg. Among those arrested immediately after the elections were prominent opposition figures Alexei Navalniy and Boris Nemtsov.

On August 21, Valentina Matviyenko, current chairperson of the Federation Council and former governor of St. Petersburg, was elected in a by-election to municipal council, winning 95 percent and 97 percent of the vote, respectively, in the two municipalities in which she was a candidate. GOLOS identified irregularities in the election that potentially constituted fraud, including the announcement of Matviyenko's candidacy after the deadline had passed for candidates for the office to register. GOLOS filed a lawsuit with the Kirov District Court contesting the election procedure and recommended all election procedures be suspended until the court's verdict. Opposition figures were arrested for distributing campaign leaflets that did not indicate where they had been printed, as required by law. Charges were later dropped. Government officials also reportedly instructed groups whom to vote for and offered free medical exams, concert tickets, or ice cream to voters; however, election officials found no serious violations and approved the results of both elections the following day.

In 2008 the country held presidential elections in which Dmitriy Medvedev, the candidate of the ruling United Russia Party, received 70 percent of the vote. Observers from the Parliamentary Assembly of the Council of Europe stated that the elections were not free or fair. Widespread violations, comparable to the State Duma elections held in 2007, were reported. The OSCE representative on freedom of the media reported numerous media freedom violations during the parliamentary and presidential elections. Electoral violations and problems included an "unprecedented" number of absentee ballots, collective voting under pressure, multiple voting, and vote-counting irregularities.

Political Parties.—To obtain legal status, the law requires that a political party obtain the signatures of at least 45,000 members, including at least 450 members in half of the country's regions and 250 members in each of the remaining regions. In practice the registration of opposition parties was very restricted. Since 2006 the Ministry of Justice has refused to register nine political parties and has allowed only one, Right Cause, to register.

While parties represented in the State Duma may nominate a presidential candidate without having to collect and submit signatures, prospective presidential candidates from parties without Duma representation must collect two million signatures from supporters throughout the country. These must be submitted to the Central Election Commission (CEC) for certification. An independent candidate is ineligible to run if the CEC finds more than 5 percent of the signatures to be invalid.

The law prohibits early voting and negative campaigning and provides a number of criteria for removing candidates from the ballot, including for vaguely defined "extremist" behavior. The executive branch and the prosecutor general have broad powers to regulate, investigate, and disqualify political parties. Other provisions limit campaign spending, set specific campaign periods, and provide for restrictions on campaign materials.

On June 21, the Party of People's Freedom (PARNAS) was denied registration by the Ministry of Justice, which claimed that its application contained a number of errors. On August 22, Moscow's Zamoskvoretskiy Court upheld the denial of registration, stating that 79 of the 46,000 signatures were invalid. According to the law, the minimum number to obtain legal status is 45,000 signatures.

Participation of Women and Minorities.—There were 59 women in the 450-member State Duma and nine women in the 166-member Federation Council, including Chairwoman Valentina Matviyenko. There were three female ministers. Two of the 83 regional leaders were women. Three of the 19 judges on the Constitutional Court were women. No political party was led by a woman.

Information on the ethnic composition of the State Duma and the Federation Council was not available. National minorities took an active part in political life. However, ethnic Russians, who constituted approximately 80 percent of the population, dominated the political and administrative system, particularly at the federal level.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; nonetheless, it was a pervasive problem. The government acknowledged that it had difficulty enforcing the law effectively, and officials often engaged in corrupt practices with impunity.

Corruption was widespread throughout the executive, legislative, and judicial branches at all levels of government. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, extortion, and improper use of official position to secure personal profits. While there were prosecutions for bribery, a general lack of enforcement remained a problem. Official corruption continued to be rampant in numerous areas, including education, military conscription, medicine, commerce, housing, pensions/social welfare, law enforcement, and the judicial system.

In May the Duma passed legislation criminalizing transnational bribery and substantially increasing fines and prison sentences for offering and receiving bribes. For example, the maximum penalties for receiving a bribe became 15 years' incarceration and a fine equivalent to 100 times the amount of the bribe. The law also created a new crime of mediation in bribery as well as administrative corporate liability for transnational bribery.

The law requires government officials to submit financial statements, restricts their employment at entities where they had prior connections, and requires reporting of actual or possible corrupt activity. In practice information that officials provided did not always reflect their true income or that of close family members.

The Global Competitiveness Report 2010-11, compiled by the World Economic Forum, cited corruption as the country's most problematic factor for doing business. The country's score in Transparency International's Corruption Perception Index improved. The country scored poorly on judicial independence, fairness in the decisions of government officials, the transparency of government policymaking, and the influence of organized crime.

A statement issued on July 21 by the Ministry of Internal Affairs estimated the average amount of a commercial bribe in Russia to be more than 61,000 rubles (21,890), almost triple the 23,000 rubles ($715) figure in 2010. According to an estimate by the Ministry of Economic Development released in June, government officials accepted bribes totaling 164 billion rubles ($5.1 billion) in 2010. The top three categories of corrupt officials were traffic police officers, representatives of higher educational institutions, and health workers. It was further reported that the estimated amount of bribes that law enforcement officials received had increased almost 13-fold since 2005, from 1.27 billion to 16.2 billion rubles ($39.4 million to $503 million).

Prosecutors charged high-level officials with corruption during the year; however, most government anticorruption campaigns were limited in scope and focused on lower-level officials. Allegations of corruption were also used as a political tactic.

According to Vlast magazine, more than 2,800 state officials were charged with corruption during the first six months of the year. According to Investigative Committee head Aleksander Bastrykin, corruption charges were also brought against 120 investigators and 12 prosecutors during the year. Corruption charges were brought against 48 lawyers, eight members of election commissions, 214 deputies of municipal councils, 310 municipal officials, 11 deputies of regional parliaments, one State Duma deputy, and three judges as well.

On February 14, the Investigative Committee fired, and later charged, Aleksandr Ignatenko and several other prosecutors for allegedly providing "protection" to illegal gambling businesses in the greater Moscow area. On November 10, Ignatenko was officially placed on Interpol's international wanted list after he reportedly fled to Ukraine. The Investigative Committee claimed that the Prosecutor General's Office sabotaged the investigation to protect prosecutors who: 1) refused to approve a cooperation agreement between investigators and one of the defendants, and 2) illegally invalidated the Investigative Committee's initial charges in the case. A court ruled that refusal of the Prosecutor General's Office to approve the cooperation agreement was illegal. The investigation continued, and the case had not been sent to court.

Civil society took an active stance in fighting corruption through anticorruption Web sites such as RosPil and other blogs.

When whistleblowers complained about official corruption, sometimes the same government official who was the subject of the complaint was asked to investigate, which often led to retaliation against the whistleblower, generally in the form of criminal prosecution. A prominent example is that of Sergey Magnitskiy, who was prosecuted by the same Internal Affairs Ministry officers he implicated in the theft of five billion rubles ($150 million) through a fraudulent tax rebate scheme (see section 1.c., Prison and Detention Center Conditions).

The law authorizes public access to all government information unless it is confidential or classified as a state secret. A great deal of government information is classified as confidential, so in practice access to government information was limited.

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

Domestic and international human rights groups operated in the country, investigating and publicly commenting on human rights problems, but official harassment continued, especially of NGOs that focused on politically sensitive areas, received foreign funding, or employed international staff. NGOs and international humanitarian assistance in the North Caucasus were severely restricted. Some officials, including Commissioner for Human Rights Vladimir Lukin; regional ombudsman representatives; and the chairman of the Presidential Council for the Development of Civil Society and Human Rights, Mikhail Fedotov, regularly interacted and cooperated with NGOs. The council was widely respected, active, and influential on reporting on government corruption and human rights abuses. For example, it released an expert report on the death of Sergei Magnitskiy and the trial and detention conditions of Mikhail Khodorkovskiy.

The law regulating NGOs requires them to register with the Ministry of Justice. NGOs are required to submit periodic reports to the government that disclose sources of foreign funding and detailed information as to how they used their funds. NGOs indicated that they were increasingly cautious about accepting foreign funding, and in many cases those that continued to do so restricted their activities to less sensitive issues.

Authorities continued to target NGOs receiving foreign funding for special "checks," confiscating financial and other documents. However, in November the Duma loosened restrictive rules enacted in July, which had expanded the grounds upon which the government could conduct an "unscheduled" audit.

Authorities continued to apply a number of indirect tactics to suppress or close domestic NGOs, including abusive application of various laws and harassment in the form of investigations and raids. Observers believed that the government selectively applied the NGO law to target certain groups, such as human rights organizations, whose activities they regarded as hostile to the authorities. Laws on extremism and libel were also employed to restrict the activities of NGOs and criticism of the government. The law defines extremist activity to include public libel of a government official or his or her family as well as public statements that could be construed as justifying or excusing terrorism.

Security services in Chechnya targeted NGOs that focused on women's rights in Chechnya and warned them not to meet with foreign interlocutors and specifically not to attend a human rights workshop in Stockholm. In Novocherkassk the president of the NGO Women of the Don, Valentina Cherevatenko, was targeted with a smear campaign on television, in newspaper articles, and through flyers calling her a "foreign collaborator" and a "traitor." Her NGO was vandalized and she was threatened.

Authorities sometimes refused to cooperate with NGOs that were critical of their activities. Human rights NGOs operating in Chechnya, including the Committee Against Torture, reported threats and intimidation by law enforcement.

Government Human Rights Bodies.—Some government institutions continued to promote the concept of human rights, challenge the activities of some local governments that violated human rights, and intervene in selected abuse complaints. Commissioner for Human Rights Vladimir Lukin commented on a range of human rights problems, such as police violence, prison conditions, the treatment of children, and hazing in the military. Lukin also criticized intolerance and the growing wave of ethnic and religious hatred. Lukin's office used its influence to draw attention to human rights problems in prisons, and many leaders of human rights NGOs continued to note that Lukin was generally effective as an official advocate for many of their concerns, despite the limited authority of his position.

The Human Rights Ombudsman's Office includes several specialized sections responsible for investigating complaints. Of the country's 83 regions, 47 have regional human rights ombudsmen with responsibilities similar to Lukin's. Their effectiveness varied significantly.

Many observers did not consider the 126-member Public Chamber to be an effective check on the government. Some prominent human rights groups declined to participate in the chamber due to concern that the government would use it to increase control over civil society. Following the December parliamentary elections, two prominent members of the Presidential Council on Human Rights and the De-

velopment of Civil Society, Irina Yassina and Svetlana Sorokina, resigned to protest reported election violations and the arrest of hundreds of protesters.

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

The law prohibits discrimination based on race, gender, language, social status, or other circumstances; however, the government did not universally enforce these prohibitions.

Women.—Rape and Domestic Violence.—Rape is illegal, and the law makes no distinction based on the relationship between the rapist and the victim. Rape victims may act as full legal parties in criminal cases brought against alleged assailants and may seek compensation as part of a court verdict without initiating a separate civil action. While members of the medical profession assisted assault victims and sometimes helped identify an assault or rape case, doctors were often reluctant to provide testimony in court.

According to the Russian Federal State Statistics Service (RosStat), through November, 4,462 rapes were reported to authorities, compared with 4,907 for 2010. However, women were unlikely to report cases of rape by persons they knew. Additionally, according to NGOs, many women did not report rape or other violence due to fear of social stigma and lack of government support.

The penalty for rape is three to six years' imprisonment for a single offender, and four to 10 years if the crime is committed by a group of persons. The perpetrator receives eight to 15 year sentence if a victim was underage and 12 to 20 years if a victim died or was under 14 years of age. According to NGOs, many law enforcement personnel and prosecutors did not consider spousal or acquaintance rape a priority and did not encourage reporting or prosecuting such cases. NGOs reported that local police officers sometimes refused to respond to rape or domestic violence calls until the victim's life was directly threatened.

Domestic violence remained a major problem. The Ministry of Internal Affairs maintained records on more than four million perpetrators of domestic violence. The Duma's Committee on Social Defense reported in March that 21,400 persons were killed in 2010, two-thirds of whom were women who died in domestic disputes, an increase of 50 percent since 2002.

The Ministry of Internal Affairs reported that at least 34,000 women were victims of domestic violence each year. However, the reluctance of victims to report domestic violence made it difficult to obtain reliable statistical information. The Anna Center for the Prevention of Violence said that up to 70 percent of domestic violence cases went unreported. Official telephone directories contained no information on crisis centers or shelters. There were approximately 25 women's shelters across the country, with beds for a total of about 200 women, according to the Anna Center.

There is no legal definition of domestic violence. Federal law prohibits battery, assault, threats, and killing, but most acts of domestic violence did not fall within the jurisdiction of the Prosecutor's Office. According to NGOs, police were often unwilling to register complaints of domestic violence and frequently discouraged victims from submitting them. The Center for Women's Support asserted that many perpetrators of domestic violence themselves belonged to law enforcement agencies. A majority of cases filed were either dismissed on technical grounds or transferred to a reconciliation process conducted by a justice of the peace, whose focus was on preserving the family rather than punishing the perpetrator. Civil remedies for domestic violence included administrative fines and divorce. Physical harm, property, and family rights cases, such as divorce, asset division, and child custody, cannot be heard in the same case or the same court.

Human Rights Watch reported that "honor killings" were a continuing problem in some areas, such as the North Caucasus, although it was difficult to estimate the number of victims. In September Caucasian Knot reported a resident of the Kurchaloi District of Chechnya confessed to police that he murdered his 21-year-old female cousin for "immoral behavior." The head of the Chechen government, Ramzan Kadyrov, has spoken publicly in support of honor killings.

Sexual Harassment.—The law does not prohibit sexual harassment, which remained a widespread problem. The lack of legal remedies and limited economic opportunities caused many women to tolerate harassment.

Sex Tourism.—Some observers noted that the country was a destination for sex tourism. Police worked closely with at least one foreign government to ensure the prosecution of sex tourists.

Reproductive Rights.—The government officially recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. While there are no legal restrictions on access to contraceptives, international family planning organizations were unable to operate in the face

of opposition from the government and from the Russian Orthodox Church, making access to family planning limited, especially outside of big cities. The government explicitly encouraged women to have as many children as possible to counteract the country's declining population. According to U.N. estimates, the maternal mortality ratio in the country was 39 deaths per 100,000 live births in 2008. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination.—Although the constitution states that men and women have equal rights and opportunities to pursue those rights, women encountered discrimination in employment. There was no government office devoted to the protection of women's legal rights.

Job advertisements often specified gender and age requirements for a position. Some even specified desired physical appearance and preference for applicants who were open to intimate relations with their prospective supervisors. Employers often preferred to hire men to save on maternity and childcare costs and avoid the perceived unreliability associated with women with small children. The labor market was characterized by gender discrimination in compensation, professional training, hiring and dismissal, and career promotion. However, such discrimination was often very difficult to prove.

The 2002 census indicated that 62 percent of women had higher education, compared with 50 percent of men. Men and women have an equal right to obtain a bank loan, but in practice women often encountered significant restrictions.

The labor code specifies that female workers should not perform "hard physical jobs and jobs with harmful or dangerous labor conditions or work underground except in nonphysical jobs or sanitary and consumer services." According to the NGO Peterburgskaya Egida, this law resulted in a list of 456 occupations that legally exclude women, including those of diver, gas rescue worker, paratrooper, and firefighter.

The law upholds equal ownership rights for women and men, but various restrictions limited women's ability to acquire and administer assets. The civil code provides equal rights to access to land and access to property other than land for men and women. All property acquired during a marriage is the couple's joint property; unless their marriage contract states otherwise, it is split into two equal shares in the event of divorce. Each spouse retains ownership and management of property acquired before marriage or inherited after marriage.

The minimum legal age for marriage is 18 for both men and women. Local authorities can authorize marriage from the age of 16—and even earlier in some regions—if it is considered justified. A 2004 U.N. report estimated that 11 percent of girls between the ages of 15 and 19 were married, divorced, or widowed. By law marriage requires the free consent of both spouses but does not need to be authorized by the bride's family.

In some parts of the North Caucasus, women continued to face bride kidnapping, polygamy, and enforced adherence to Islamic dress codes. As part of his "modesty campaign," Chechen leader Ramzan Kadyrov required women to wear head scarves in public (including at schools, universities, and government offices) and advocated seizing cell phones from young women, among other measures documented by Human Rights Watch. There were cases in some parts of the North Caucasus where men, claiming that kidnapping brides is an ancient local tradition, reportedly abducted and raped young women, in some cases forcing them into marriage. In other cases the young women were forever "sullied" as they were no longer virgins and could not enter a legitimate marriage.

Children.—Birth Registration.—By law citizenship is derived from parents at birth or from birth within the country's territory if the parents are unknown or if the child cannot claim the parents' citizenship. As a rule all newborn babies are registered at the local civil registry office where the parents live. One of the parents must apply for registration within a month of the birth. Birth certificates were issued on the basis of the medical certificate of the hospital where a baby was born.

Education.—Although education was free through grade 11 and compulsory until age 15 or 16, regional authorities frequently denied school access to the children of persons not registered as residents of the locality, including Roma, asylum seekers, and migrants.

Child Abuse.—Child abuse was a widespread problem. Pavel Astakhov, presidential commissioner for children's rights, noted that the rate of reported child abuse had grown "30-fold" since 2003 but that "most nonviolent offenders get off with a suspended sentence." The online news source news24.ru reported in 2010 that there were 9,500 sexual crimes against children. An estimated 20,000 minors were missing at the end of the year, including 5,000 small children.

According to a 2011 report published by the NGO Foundation for Assistance to Children in Difficult Life Situations established by the Federal Ministry of Health and Social Development, approximately 2,000 to 2,500 children died annually as a result of domestic violence. According to a 2011 UNICEF report, 2,000 children committed suicide in 2010, of which 90 percent resulted from a family's social crisis or neglect of children.

Sexual Exploitation of Children.—Children, particularly the homeless and orphans, were exploited for child pornography. While authorities viewed child pornography as a serious problem, the law prohibiting it lacks important details. The law does not define child pornography, criminalize its possession, or provide for effective investigation and prosecution of cases of child pornography. Courts often dismissed criminal cases because of the lack of clear standards. When a court convicted a suspect, it frequently imposed the minimum sentence, often probation. Authorities investigated and prosecuted relatively few cases involving child pornography, creating an environment in which it proliferated.

In the first three months of the year, authorities opened 128 preliminary investigations into the distribution of child pornography, compared with the 2010 total of 569. In addition, Minister of Internal Affairs Rashid Nurgaliyev reported that, as of April 1, police had shut down 130 child pornography Web sites. On June 21, Nurgaliyev noted that the number of Web sites with child pornography had tripled.

There were two federal resources to respond to child pornography on the Internet: the Russian Safer Internet Center and the Friendly Runet Foundation, both of which had hotlines to receive information on illegal Internet activity. From January to April, the Friendly Runet Foundation processed 6,239 reports and found 3,420 sites with child pornography; of those, 3,310 sites were removed. As of June 21, information gathered through the hotline had resulted in the opening of 24 criminal cases for making or distributing child pornography.

Displaced Children.—Citing Ministry of Internal Affairs statistics, a Public Chamber representative stated that each year nearly 120,000 children were orphaned and each day on average 200 children were taken away from neglectful parents. The representative estimated that 600,000 children were located in various types of institutional and foster care. In a 2008 report, the NGO Children's Rights estimated that approximately 40,000 children ran away from home annually to escape abuse and neglect and that 20,000 orphans fled similar conditions in orphanages.

The NGO Children's Rights estimated that 2 percent of the country's children were neglected or lived on the streets. Police attempted to return approximately 70 percent of them to a home or institution. According to Rossiskaya Gazeta, a government publication, the number of children living in extreme poverty fell from 3.1 percent in November 2008 to 1.4 percent in November 2009.

Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some children on the streets turned to, or were forced into, prostitution, often to survive. According to a 2010 report by the Foundation for Assistance to Children in Difficult Life Situations, juveniles committed 94,700 crimes in 2009, a decrease from 116,100 committed in 2008. Law enforcement officials reportedly abused street children, blamed them for unsolved crimes, and committed illegal acts against them, including extortion, detention, and psychological and sexual violence.

Regional ombudsmen for children operated in 25 regions with the authority to conduct independent investigations relating to the violation of children' rights, inspect any institutions and executive offices dealing with minors, establish councils of public experts, and conduct an independent evaluation of legislation affecting children. In a number of schools in the Moscow and Volgograd oblasts, there were school ombudsmen dealing with children and families and identifying potential conflicts and violations of the rights of children.

International Child Abductions.—Russia acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction effective October 1.

Anti-Semitism.—The 2002 census estimated the number of Jews at 233,500; however, according to the Federation of Jewish Communities of Russia, the Jewish population could be as high as one million.

Although Jewish leaders reported improvements in official attitudes toward Jews, anti-Semitism remained a problem at the societal level. Violent attacks against Jews were infrequent, and only a few incidents occurred during the year.

There were reports of vandals desecrating Jewish synagogues and cemeteries and defacing Jewish religious and cultural facilities, sometimes combined with threats to the Jewish community, although the Russian Jewish Congress and the Federation of Jewish Communities report that overt acts of anti-Semitism are minimal. The SOVA Center, an NGO that seeks to combat extremism and nationalism, reg-

istered six acts of anti-Semitic vandalism as of December 1. The reduction in vandalism appeared linked to a decrease in the level of activity of nationalist groups Russian Way and Resistance, whose members had previously engaged in such acts.

On July 12, four masked men threw Molotov cocktails at the Darchei Shalom synagogue in northern Moscow. Police believed the attack was in retaliation for the conviction of 12 members of a neo-Nazi group earlier that day.

There were several instances in which the government successfully prosecuted individuals for anti-Semitic statements or publications. On June 22, the central regional court of Khabarovsk convicted Vyacheslav Kravchenko and Yevgeniy Smolyakov of committing arson at a local synagogue and attacking a police officer who had been investigating cases of extremism in 2009. Kravchenko and Smolyakov received 24- and 27-month conditional sentences, respectively, and were released on probation.

Anti-Semitism on television or in other mainstream media was infrequent and was more likely to appear in low-circulation newspapers or in pamphlets. However, according to the Moscow Bureau of Human Rights (MBHR), anti-Semitic material on Russian-language Internet sites increased during the year. During the November 4 "Russian March," demonstrators shouted racist and anti-Semitic slogans.

In May the Web site antisemitism.org reported on a plan by the Ministry of Foreign Affairs to send "spiritual and ethical literature" to Russian diplomatic representatives in 25 countries, including the anti-Semitic texts The Protocols of the Elders of Zion and Kabbalah: Conspiracy against God. According to the ministry, the plan was abandoned and the anti-Semitic literature was never purchased.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—Several laws prohibit discrimination against persons with disabilities or mandate their equal treatment; however, the government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and denial of equal access to education, employment, and social institutions. According to information provided by the NGO Perspektiva, persons with mental disabilities were severely discriminated against in both education and employment. In addition the conditions of guardianship imposed upon them by courts deprived them of practically all personal rights.

Conditions in institutions for adults with disabilities were often poor, with unqualified staff and overcrowding. Institutions rarely attempted to develop the abilities of residents, who were frequently confined to the institutions and sometimes restricted in their movement within the institutions themselves.

Federal law on the protection of persons with disabilities requires that buildings be made accessible to persons with disabilities, but authorities did not enforce the law, and in practice many buildings were not accessible.

The lack of elevators in metro systems across Russia severely inhibited a wheelchair-bound person from using the system without assistance. In 2010 Moscow city officials adopted a proposal known as the "Strategy for Raising Quality of Life for the Disabled 2010-2020." In its 2011 fiscal year budget, the city allocated 2.5 billion rubles ($77.6 million) toward developing a more accessible city environment for persons with disabilities. Officials reported that, in the second half of 2010, 54 percent of city public buildings were made accessible to disabled persons; 34,600 ramps were introduced on city streets; and 40 percent of buses, 25 percent of trolley-buses, and 14 percent of pedestrian crossing lights were adapted for persons with special needs.

In June the St. Petersburg subway system prohibited wheelchair users. While subway management modified the decision in response to public pressure; the use of the system by persons in wheelchairs remained difficult. By July wheelchair-bound individuals could use a reserve escalator only if accompanied by two assistants, one of whom could be subway staff (although staff was not obliged to assist). Persons using wheelchairs could also use some city buses, which were equipped with low floors for access. However, persons using wheelchairs found it difficult to travel anywhere in the city unaccompanied, since sidewalks often have high curbs and public transportation stops were not constructed in a way that made them easily accessible.

There are laws establishing employment quotas for persons with disabilities at the federal and local levels. However, some local authorities and private employers continued to discourage such persons from working, and there was no penalty for failure to honor quotas. According to the NGO Perspektiva, only 9 percent of persons with disabilities held a permanent job. Many of them worked at home or in special organizations. In Moscow several dozen companies were equipped to employ physically disabled persons.

According to government reports, of approximately 450,000 school-age children with disabilities, an estimated 200,000 did not receive any education. Of the 250,000 who received an education, 140,000 attended regular schools, 40,000 studied at home, and 70,000 attended special schools. Because special schools made up only 3 percent of all schools, most children with disabilities could not study in the communities where they lived and were isolated from other members of the community.

Authorities generally segregated such children from mainstream society through a system that institutionalized them until adulthood. Observers concluded that issues of children's welfare often were ignored, and there were few means of addressing systemic problems of abuse. Human rights groups alleged that children with disabilities in state institutions were poorly provided for and, in some cases, physically abused by staff members. Graduates of state institutions also often lacked the necessary social, educational, and vocational skills to function in society.

There appeared to be no legal mechanism by which individuals could contest their assignment to a facility for persons with disabilities. The classification of categories of disability to children with mental disabilities often followed them through their lives. The labels "imbecile" and "idiot," which were assigned by a commission that assesses children with developmental problems at the age of three and signify that a child is uneducable, were almost always irrevocable. Even the label "debil" (slightly retarded) followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or individual caregivers, but there were few advocates for the rights of institutionalized children.

On April 28, the Moscow City Duma passed a law on the education of persons with disabilities in Moscow, which observers believed created some improvements in education for persons with disabilities.

The election laws contain no special provisions concerning the accessibility of polling places, and the majority of polling places were not accessible to persons with disabilities. However, mobile ballot boxes were generally brought to the homes of the disabled to allow them to vote.

In March the government adopted the State Program on Accessible Environment for 2011-15 with a total budget of 47 billion rubles ($1.5 billion). The goal of the pilot program was to provide access to services in healthcare, culture, transport, information and communications, education, social protection, sports, and housing facilities for persons with disabilities.

The mandates of government bodies charged with protecting human rights include the protection of persons with disabilities. These bodies carried out a number of inspections in response to complaints from disability organizations and, in some cases, appealed to the responsible agencies to remedy individual situations. Inspections by the Ombudsman's Office of Homes for Children with Mental Disabilities continued to disclose severe violations of children's rights and substandard conditions.

National/Racial/Ethnic Minorities.—The law prohibits discrimination based on nationality. However, government officials at times subjected minorities to discrimination. There was a steady rise in societal violence and discrimination against minorities, particularly Roma, persons from the Caucasus and Central Asia, dark-skinned persons, and foreigners. The number of reported hate crimes increased during the year, and skinhead groups and other extreme nationalist organizations fomented racially motivated violence. Racist propaganda remained a problem, although courts continued to convict individuals of using propaganda to incite ethnic hatred.

According to the SOVA Center, during the year racist violence resulted in the death of at least 20 persons, while 103 others were injured and six received death threats. Incidents were reported in 34 regions. Violence was concentrated in the major cities: seven were killed and 28 injured in Moscow city, four were killed and 19 injured in the greater Moscow Oblast, and three were killed and 16 injured in St Petersburg. The main targets of attack continued to be Central Asians (10 killed and 24 injured); leftist and youth activists (14 injured); and natives of the Caucasus region (six killed and four injured). There were 45 acts of neo-Nazi vandalism recorded in 20 regions during the year.

Violence against African minorities continued. On May 1, Interfax reported that two men in a bar yelling nationalist slogans beat an African doctoral student. The victim was taken to a hospital with multiple injuries and traumatic brain injury. According to the Moscow Protestant Chaplaincy's Task Force on Racial Violence and Harassment, police in Moscow consistently failed to record the abuse of African minorities, charge alleged attackers with any crime, or issue copies of police reports to victims.

On September 8, the Tverskoy District Court in Moscow started hearings against five men who were charged with inciting mass disorder, hooliganism, and using vio-

lence against law enforcement officers in connection with the Manezhnaya Square riots between ethnic Russians and people from the North Caucasus in December 2010. The men continued to be held in pretrial detention.

Skinhead violence continued to be a serious problem. Skinheads primarily targeted foreigners, particularly Asians and individuals from the North Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments. According to the Ministry of Internal Affairs, neofascist movements had approximately 15,000 to 20,000 members, more than 5,000 of whom were estimated to live in Moscow. However, the ministry stated that if the category includes "extremist youth groups" in general, the number would be closer to 200,000 countrywide. In 2009 MBHR estimated there were as many as 70,000 skinhead and radical nationalist organizations, compared with a few thousand in the early 1990s. Skinhead groups were most numerous in Moscow, St. Petersburg, Nizhniy Novgorod, Yaroslavl, and Voronezh. The three most prominent ultranationalist group—the Great Russia Party, the Slavic Union Movement, and the Movement against Illegal Immigration—claimed 80,000, 10,000, and 20,000 members, respectively. Membership claims by these underground organizations were difficult to verify.

The deputy head of the FMS International and Public Relations Directorate, Konstantin Poltoranin, made the following statement to the BBC in April: "What is now at stake is the survival of the white race. We feel this in Russia. We want to make sure the mixing of blood happens in the right way here, and not the way it has happened in Western Europe where the results have not been good." Poltoranin was fired after the comments were made public.

Human rights organizations expressed concern that Romani children in schools experienced discrimination. According to Memorial a number of schools refused to register Romani students on the grounds that they lacked documents, while others segregated Romani students or placed them in classes designed for children with learning disabilities because of their ethnicity.

Indigenous People.—The law provides for support of indigenous ethnic communities, permits them to create self-governing bodies, and allows them to seek compensation if economic development threatens their lands. Groups such as the Buryats in Siberia and ethnic groups in the far north (including the Enver, Tafarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as their right to benefit from the economic resources of their regions. Most asserted that they received the same treatment as ethnic Russians, although some groups claimed that they were not represented, or were underrepresented, in regional governments.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—LGBT communities continued to suffer from societal stigma and discrimination. Gay rights activists asserted that the majority of LGBT persons hid their orientation due to fear of losing their jobs or their homes, as well as the threat of violence. Nevertheless, there were active gay communities in Moscow and St. Petersburg. Medical practitioners reportedly continued to limit or deny LGBT persons health services due to intolerance and prejudice. According to recent studies, gay men faced discrimination in workplace hiring. Openly gay men were targets of skinhead aggression, and police often failed to respond out of indifference. Several gay rights organizations were outspoken about discrimination encountered by LGBT persons.

Transgender individuals faced difficulties in changing their names and gender classifications on government documents. Although the law allows for such changes, the government has not established a standard procedure for doing so, and in practice many civil registry offices denied these requests. When their documents fail to reflect their gender accurately, transgender persons often faced discrimination in accessing health care, education, housing, and employment.

In Moscow authorities refused to allow a gay pride parade for the sixth consecutive year, despite an ECHR ruling that the bans violated the rights to freedom of assembly and prohibition of discrimination. The Web site GayRussia.eu reported that on the same day city hall denied parade permits, it granted permission for a rally calling for the criminalization of homosexuality. On October 1, 40 people were arrested in Moscow during a sanctioned gay pride rally after violence ensued between parade members and protesters. On November 23, Moscow Mayor Sergei Sobyanin stated he was against any gay pride parade.

Societal animosity toward LGBT persons remained strong. In St. Petersburg on June 18, the People's Catholic movement and the group Parents Standing held an antigay rally to demand that the State Duma prohibit "propaganda of sexual perversion." The city council allowed the rally but prohibited a gay rights rally the next week. On September 29, it was reported that a new law outlawing all public dis-

plays of homosexuality, including pride parades, went into effect in Arkhangelsk Oblast.

Other Societal Violence or Discrimination.—The International Foundation for Human Rights reported in April that only 33.4 percent of homeless citizens had a Russian passport and 38.2 percent had no documents at all. The lack of a passport prevented homeless citizens from fully securing their legal rights and social services. For example, almost 26 percent of the homeless who stated they had no documents were refused medical assistance. Among the homeless who had a Russian citizen passport, 13.5 percent were refused medical treatment. Homeless persons faced barriers to obtaining legal documentation.

Persons with HIV/AIDS often encountered discrimination. A federal AIDS law includes antidiscrimination provisions but frequently was not enforced. Human Rights Watch reported that HIV-positive mothers and their children faced discrimination in accessing health care, employment, and education. Persons with HIV/AIDS found themselves alienated from their families, employers, and medical service providers. According to GayRussia.eu, the government no longer requires HIV tests for visitors who apply for short-term tourist visas or business visas for one year or longer as long as their total stay in the country is not greater than three months per year.

Prisoners with HIV/AIDS were regularly abused and denied medical treatment. On August 12, prison officials opened an investigation into the alleged abuse of inmate's rights at the Gaaza Prison Hospital in St. Petersburg following a BBC report in which a prisoner, Eduard Razin, complained of his treatment. Razin, who was suffering from HIV, hepatitis, and tuberculosis, stated that he had not received proper treatment. After the story was released, Razin was transferred to a prison in another province.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers the right to form and join unions, but government policy limited its exercise in practice. By law the Federal Registration Service must consider a union officially registered once it has submitted the requisite documents. Labor unions are to be independent of government bodies, employers, political parties, and NGOs, and interference by government authorities in union activities is prohibited.

The law establishes the right to strike and prohibits reprisals against strikers. The law requires the provision of a minimum level of essential services if a strike could affect the safety or health of citizens. The labor code prohibits strikes in the military and emergency response services. In addition it prohibits strikes in essential public service sectors, including utilities and transportation, or strikes that would threaten the country's defense and safety or the life and health of its workers. Solidarity strikes and strikes on issues related to state policies also are prohibited.

The law provides for collective bargaining, but only one collective bargaining agreement is permitted per enterprise, and bargaining must be carried out by a union or group of unions representing at least half of the workforce. The law prohibits antiunion discrimination.

State agencies responsible for overseeing the observance of labor legislation frequently failed to fulfill their responsibilities, and violations of labor law were common. Registering unions, for example, was often a cumbersome process. Labor experts asserted that the documents a union must submit vary among regional offices of the service, and the offices often find fault with the papers provided for minor, bureaucratic reasons.

Labor activists reported that police regularly used widespread intimidation techniques against union supporters, including detention, extensive interrogations, and provocation of physical confrontation. Police and prosecutors often questioned union activists based on written orders from the regional office of the FSB. Union activists also alleged that police pressured them to become informants.

In spite of laws defending the right to strike, the majority of strikes were considered illegal because they violated one or more of a complex set of procedures governing disputes. Courts may confiscate union property to cover employers' losses in the event that a declared strike continues after it is ruled illegal. The courts have upheld most employers' requests to declare a strike illegal. According to the Federation of Independent Trade Unions of Russia, the legal preparation for a strike takes at least 40 days.

The Federal Statistics Service registered only two legal strikes during the year. Independent commentators, however, noted significantly more protest actions occurred. During the first nine months of the year, the Center for Social and Labor Rights registered a total of 194 labor protest actions, including 67 work stoppages. Data for the first six months of the year revealed that the primary causes of labor disputes were wage arrears (35 percent), followed by company reorganization or clo-

sure (34 percent), low pay (29 percent), and layoffs (16 percent), with some disputes having multiple causes.

In practice employers were slow to recognize newly formed unions. In addition they often accepted union requests for collective bargaining reluctantly and failed to provide union representatives with financial reports. Some companies claimed to have financial difficulties to avoid concluding new agreements or disregarded the existing ones in violation of labor legislation norms.

Employers frequently engaged in reprisals for union activity, including threats of night shifts, denial of benefits, blacklisting, and termination. Although unions were occasionally successful in courts, in most cases the management of companies engaged in antiunion activities was not penalized.

In January the Labor Confederation of Russia and All-Russia Confederation of Labor filed a joint complaint against the government with the International Labor Organization's Freedom of Association Committee. The complaint, later joined by leading unions, alleged violations that took place from 2006 to 2009, including violations of trade union rights and civil liberties, violations of workers' right to establish organizations without prior authorization, discrimination based on union membership and union activities, refusal by employers to recognize newly formed unions, denial of union leaders' access to members' workplaces, violations of the right to bargain collectively, government interference in trade union activities, and absence of an established system to defend trade union rights.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Men, women, and children were subjected to conditions of forced labor, including work in the construction industry, textile shops, and agriculture, according to the National Foundation for the Prevention of Cruelty to Children and UNICEF. Military personnel were investigated in the past for the labor exploitation of military conscripts under their command. Guest workers in the far eastern part of the country were subjected to conditions of debt bondage and forced labor, including in the agricultural and fishing sectors. Men, women, and children, including those from foreign countries such as Belarus, Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, and Moldova, were subjected to conditions of forced labor, including work in the construction industry, in textile shops, and in agriculture.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace, including laws against compulsory labor; however, authorities did not effectively implement laws and policies that would protect children. The law prohibits the employment of children under the age of 16 in most cases and regulates the working conditions of children under the age of 18, including prohibiting dangerous nighttime and overtime work. The law permits children, under certain conditions and with the approval of a parent or guardian, to work at the age of 14. Such work must not threaten the child's health or welfare.

The Federal Labor and Employment Service (RosTrud) is responsible for inspecting enterprises and organizations to identify violations of labor and occupational health standards for minors. Local police only investigated in response to complaints. RosTrud reported 5,100 child labor violations in 2010. The most common violations included the absence of an obligatory medical check, absence of written labor agreements, involvement of minors in harmful and/or unsafe work environment, and excessive hours.

In urban areas the employment of children occurred primarily in the informal sector—retail services, selling goods on the street, washing cars, and making deliveries. In rural areas children worked in agriculture.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—As of June 1, the legal minimum wage was 4,611 rubles (approximately $143) per month. The subsistence minimum set by the government was 6,505 rubles ($202) per month in the second quarter of the year. According to the Federal Statistics Service, in the first half of the year, 14.9 percent of the population had incomes below the subsistence minimum, compared with 13.5 percent in the first half of 2010.

The labor code contains provisions for standard work hours, overtime, and annual leave. The standard workweek cannot exceed 40 hours. Employers are not permitted to request overtime work from pregnant women, workers under age 18, and other categories of employees specified by federal laws. Standard annual paid leave is 28 calendar days. Additional annual paid leave is granted to employees involved in

work with harmful and/or dangerous labor conditions and to employees working in the Far North regions. Organizations have discretion to grant additional leave to employees.

The law establishes minimum conditions for workplace safety and worker health. The law gives workers the right to remove themselves from hazardous or life-threatening work situations without jeopardizing their continued employment.

RosTrud has approximately 1,700 labor safety inspectors working across the country. In 2010 RosTrud organized 182,700 labor inspections (including 89,000 inspections related to occupational safety). Inspections revealed a total of 992,400 labor violations (including 665,700 violations of occupational safety). RosTrud reported 9,500 violations of women's labor regulations in 2010. Most common were labor violations involving pregnant women and women with children under the age of three.

RosTrud reported that occupational incidents caused 3,244 deaths in 2010, including those of 244 women and three minors. The most unsafe sectors were construction and manufacturing (680 and 550 deaths, respectively). In many cases factory workers did not have adequate protective equipment and clothing, enterprises stored hazardous materials in open areas, emergency exits were locked, and smoking was permitted near flammable substances. Many companies employing workers in hazardous conditions awarded bonuses based on worker productivity, which could encourage workers to jeopardize their safety for higher salaries.

The law entitles foreigners working legally in the country to the same rights and protections as citizens. However, Human Rights Watch noted in a 2009 report that many employers in the construction sector, in which migrant laborers often worked, did not respect safety standards or provide migrant workers with mandatory insurance or medical treatment, with many workers returning home without getting paid for the work done.

Press reports during the year cited multiple claims by workers of poor housing and nutrition as well as 13-hour workdays on construction sites associated with the 2012 Asia-Pacific Economic Cooperation Forum (APEC) summit in Vladivostok. In particular, in May almost 300 Turkish workers on Russkiy Island held a strike demanding payment of their delayed wages, while in July, 150 Uzbek workers struck to demand wages that had been delayed for three months. Poor working conditions and failure to respect labor code and labor safety rules were common on APEC-2012 construction sites in Vladivostok.

SAN MARINO

EXECUTIVE SUMMARY

The Republic of San Marino is a multiparty democracy. The popularly elected unicameral Great and General Council (parliament) selects two of its members to serve as captains regent (co-chiefs of state). They preside over meetings of the council and the Congress of State (cabinet), which has no more than 10 other members (secretaries of state) selected by the council. Parliamentary elections, last held in 2008, were considered free and fair. Security forces reported to civilian authorities.

There were no widespread or systemic human rights abuses.

The government took steps to prosecute officials accused of abuses, and impunity was not a problem. There were some reports of violence against women, and government health and safety standards were not enforced in the informal labor sector.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers. The country does not have an ombudsman for detained persons.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance practices. During the year prisoners and detainees did not submit any complaints concerning treatment or conditions to officials. The government monitored prison conditions, and there were no media reports criticizing prison authorities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the civil police, the Gendarmerie, and the National Guard, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. The law provides a detainee with the right to a prompt judicial determination of the legality of the detention, and the authorities generally respected this right in practice. Detainees were promptly informed of charges against them. There is a well-functioning bail system. Detainees are allowed prompt access to family members and to a lawyer of their choice; the state provides legal assistance to indigent persons.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and are presided over by a single judge. There are no provisions for a jury trial. Defendants have the right to be present and to consult with an attorney even during preliminary investigations. Indigent defendants have the right to an attorney provided at public expense. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. They have access to government-held evidence relevant to their cases. They enjoy a presumption of innocence and have the right to two levels of appeal.

In case of legal actions against military personnel, a civil judge is temporarily given a military grade and assigned to an ad hoc military tribunal.

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

Civil Judicial Procedures and Remedies.—Judges act independently and impartially on civil matters, and administrative as well as judicial remedies exist for alleged wrongs, including human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech, including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

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

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the government generally respected them in practice.

c. Freedom of Religion.—See the Department of State'sInternational Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government was committed to cooperating with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—While the law does not provide for the granting of asylum or refugee status, the government has a system for providing protection to refugees. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be

threatened. The government may grant refugee status or asylum by an act of the cabinet. There were no requests for asylum during the year.

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

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

Elections and Political Participation.—Recent Elections.—Parliamentary elections, held in 2008, were considered generally free and fair.

Participation of Women and Minorities.—Nine women were elected to the Great and General Council in the 2008 elections, and two women were in the 10-member Congress of State, including the head of government (secretary of state for foreign affairs). There were no members of minorities in the government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, there were no reports of corruption by public officials during the year. Public officials are subject to financial disclosure requirements.

The law provides for public access to government information, and the government provided access for citizens and noncitizens through the Great and General Council's Web site.

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

There were no domestic human rights organizations, although the government did not restrict their formation. The government declared itself open to investigations by international nongovernmental organizations of alleged human rights abuses; there were no known complaints or requests for investigations during the year.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted persons accused of such crimes. The penalty for rape is two to six years' imprisonment. In the case of aggravating circumstances, the penalty is four to 10 years' imprisonment. There were no persons prosecuted or convicted for rape during the year.

The law prohibits violence against women, and the government effectively enforced it. The penalty for spousal abuse is two to six years' imprisonment. In the case of aggravating circumstances, the penalty is four to 10 years' imprisonment. There was one pending case of violence against women as of December.

Sexual Harassment.—The government effectively enforced the law prohibiting sexual harassment. There were no reports of sexual harassment during the year.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. There were no reports of economic discrimination against women in pay, employment, or working conditions.

Children.—Birth Registration.—Citizenship is derived from one's parent (either mother or father) and by birth within the country's territory if both parents are unknown or stateless. Births must be registered within 10 days, and there were no reports of cases resulting in the denial of public services, such as education or health care.

Child Abuse.—Violence against or abuse of children was uncommon. According to government sources, there was one pending case of violence against minors.

Sexual Exploitation of Children.—The minimum age of consent for sex is 18 years, and the penalty for sexual acts with a minor is imprisonment for a period of six months to three years. The penalty increases to a period of two to six years if the child is under 14 years of age or is under the age of 18 and has physical or mental disabilities. The law prohibits child pornography, including performances, works, and material, and provides for punishment of anyone trading in or providing or in any way distributing child pornography material. The law punishes anyone who pro-

vides information aimed at enticing or sexually exploiting children under the age of 18. The penalty for this type of crime is imprisonment for a period of from two to six years, which is increased to four to 10 years if it involves sexual intercourse or if it has been committed to the detriment of a child under 14 years of age or a child under the age of 18 who has physical or mental disabilities.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The Jewish community was believed to be small; a precise estimate of its size was not available. There were no reports of anti-Semitic acts.

Trafficking in Persons.—In 2010 there were no confirmed reports that persons were trafficked to, from, or within the country.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The Ministry for Territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities, and many buildings were inaccessible.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There were no reports of discrimination based on sexual orientation or gender identity.

Other Societal Violence or Discrimination.—There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law protects the right of workers (except those in the Gendarmerie and National Guard) to form and join independent unions, conduct legal strikes, and bargain collectively. The law sets the conditions to establish labor unions. The law prohibits antiunion discrimination and provides for reinstatement for workers fired for union activity. The government effectively enforced applicable laws without lengthy delays and appeals.

The government respected freedom of association and the right to collective bargaining. Worker organizations were independent of the government and political parties. During the year there were no instances of government interference in union activities, including targeted dissolving of unions and use of excessive force to end strikes or protests. During the year there were no reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, and the government effectively enforced such laws. During the year there were no reports of forced labor.

c. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws and policies to protect children from exploitation in the workplace.

The minimum age for employment is 16. The law does not limit children between the ages of 16 and 18 from any type of legal work activity. The government effectively enforced child labor laws and devoted adequate resources and oversight to child labor policies.

d. Acceptable Conditions of Work.—The national minimum wage is 8.80 euros ($11.44) per hour. There is no official figure for poverty income level. However, individuals with annual incomes below 8,500 euros ($11,050) can apply for a state contribution which varies depending on the level of poverty. On average, less than 2 percent of the adult population applies for this contribution every year and the average amount disbursed by the government is 1,350 euros ($1,755).

The law sets the workweek at 36 hours in the public sector and 37.5 hours for industry and private businesses, with 24 consecutive hours of rest per week mandated for workers in both categories. The law requires a premium payment for overtime and allows a maximum of two hours of overtime per day. The law prohibits excessive or compulsory overtime. The government set safety and health standards.

The Labor Inspections Office has seven inspectors and conducts an estimated 5,000 inspections per year, concentrating on hazardous sectors of the approximately 6,000 active companies. Labor standards were generally well enforced, but there were a few exceptions especially in the construction industry, where some employers did not consistently abide by safety regulations, such as work hour limitations and use of personal safety devices. The penalties provided by law were generally sufficient to deter violations.

Working conditions generally reflect Western European standards in all industrial sectors. The construction industry sometimes did not comply with minimum safety requirements or the law. In January there was one on-the-job fatality on the premises of a large company producing ceramic tiles.

SERBIA

EXECUTIVE SUMMARY

The Republic of Serbia is a multiparty, parliamentary democracy. Boris Tadic was reelected president in February 2008. In May 2008 voters elected a new parliament in which some minority ethnic parties won seats. Observers considered both elections to be mostly in line with international standards. Security forces reported to civilian authorities.

The most serious human rights problems during the year included: discrimination and societal violence against minorities; corruption in healthcare, education, and multiple branches of government, including the police; and an inefficient judicial system which resulted in lengthy and delayed trials, as well as long periods of pretrial detention.

Other reported abuses included: physical mistreatment of detainees by police; harassment of journalists, human rights advocates, and others critical of the government; lack of durable solutions for large numbers of internally displaced persons (IDPs); societal and domestic violence against women and children; and trafficking in persons.

The government generally took steps to prosecute officials, both in the police and elsewhere in the government, when abuses were made public. Nevertheless, many observers believed that there were numerous cases of corruption, police mistreatment, and other abuses that went unreported and unpunished.

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

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

The special war crimes chamber of the Belgrade District Court continued to try cases arising from crimes committed during the 1991-99 conflicts in the former Yugoslavia and two cases from World War II.

On January 21, nine ethnic Albanian members of the so-called Gnjilane group of the Kosovo Liberation Army were convicted of war crimes against civilians and sentenced to a total of 101 years in prison. In 2009, the war crimes prosecutor had filed an indictment charging them with rape and crimes related to the deaths of at least 80 Serbs, Roma, and Albanians in the region near Gnjilane, Kosovo, in 1999. Eight other Gnjilane group indictees remained at large at year's end.

During the year authorities arrested Ratko Mladic and Goran Hadzic, who were sought by the International Criminal Tribunal for the former Yugoslavia (ICTY) in connection with crimes they allegedly committed during the 1991-95 conflicts in Croatia and Bosnia, and transferred them to The Hague (see section 5).

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

According to the International Committee of the Red Cross (ICRC), there were 13,538 people still missing at year's end from regional conflicts during the 1990s in Bosnia and Herzegovina, Croatia, and Kosovo.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention for petty crimes.

In June a video surfaced on the Internet showing police beating Danijel Stojanovic, a Romani youth, in a police station in Vrsac in 2007. Authorities arrested two police officers, Aleksandar Adamov and Bojan Bisercic, and charged them with abuse and torture.

Prison and Detention Center Conditions.—Prison conditions varied greatly between facilities. Prison overcrowding remained a problem. More than 11,000 inmates were held in prisons that had a capacity of 7,000. Sanitation varied between and within facilities but was generally poor. Higher-security "closed" wards sometimes lacked natural light and proper ventilation. One prison lacked dining facilities, so inmates ate in their cells, resulting in unsanitary conditions. There were no reports of prisoners lacking access to potable water.

In some prisons, inmates continued to complain of dirty and inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate.

Women made up approximately 3 percent of the prison population, and juveniles made up 1 percent. While there was no evidence of mixing male and female populations, youth and adult populations lacked proper separation at the juvenile reformatory in Valjevo, and there were sporadic reports of mixing youth and adults elsewhere, although this was against the law. There were no reports of different treatment for women or of gender-based violence.

There was no new evidence of abuse by prison guards, although statistics on injuries were not well-kept and there was no uniform system of recordkeeping. Guards were poorly trained in the proper handling of prisoners. In July the prominent nongovernmental organization (NGO) the Helsinki Committee for Human Rights in Serbia (HCS) released a report, in stated that of the 300 prisoners it interviewed, more than 200 reported some form of prison abuse. There is an Office of Deputy Ombudsman for the Protection of Persons Deprived of Liberty that deals with prisoner complaints and problems.

Permission for religious observance varied among facilities. The Valjevo facility prepared special meals for Muslims and Orthodox Christians and allowed them to fast in accordance with their faiths. Prisons sometimes segregated minorities, particularly Roma.

The government permitted the ICRC; the Council of Europe's Committee for the Prevention of Torture; and local independent human rights monitors, including the HCS, to visit prisons and speak with prisoners without the presence of a warden. The ombudsman has the right to visit prisoners and make recommendations concerning prison conditions. There were no complaints of censorship of prisoners' communication with such entities.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The country's approximately 43,000 police officers are under the authority of the Ministry of Internal Affairs. The police are divided into four main departments that supervise 27 regional secretariats (and a Coordination Department for Kosovo and Metohija) reporting to the national government.

The effectiveness of the police force varied. While most officers were Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, ethnic Montenegrins, a small number of ethnic Albanians, and other minorities.

There was a widespread belief among citizens that impunity was a problem among police. However, informed observers and experts from civil society noted that the quality of police internal investigations seemed to be improving. The police internal control unit had 21 investigators who examined complaints against officers. The government generally did not provide training to the police on corruption or human rights problems, but it facilitated training on these issues from various international actors and NGOs.

During the year there were reports that police failed to respond to societal attacks against minority groups (see section 6, National/Racial/Ethnic Minorities).

Arrest Procedures and Treatment While in Detention.—Arrests generally were based on warrants, although police were authorized to make warrantless arrests in limited circumstances, including well-founded suspicion of a capital crime. The law requires an investigating judge to approve any detention lasting longer than 48 hours, and authorities respected this requirement in practice. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than five years were often released on personal recognizance.

The constitution provides that police must inform arrested persons immediately of their rights, and authorities respected this requirement in practice.

The law provides access for detainees to counsel, at government expense if necessary, and authorities often respected this right in practice. Family members were normally allowed to visit detainees. Suspects detained in connection with serious crimes can be held for up to six months without being charged. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays occurred regularly. Due to administrative backlogs, authorities frequently held such persons for the full six-month period allowed before charging them.

The law prohibits police use of force, threats, deception, and coercion to obtain evidence, and such evidence is not permissible in court. However, police sometimes used these means to obtain statements.

The law limits the length of pretrial detention from indictment to the conclusion of a trial to two years for most cases, but allows detention for up to four years for crimes that carry up to the maximum penalty (40 years in prison). The law sets two years as the maximum detention permitted after an appellate court vacates the

judgment of a trial court. Nonetheless, prolonged pretrial detention was a problem. Due to inefficient court procedures, some of which were required by law, cases often took extended periods to come to trial. Once begun, trials often took a long time to complete. At the end of the year, approximately 27 percent of the more than 11,000 inmates in prison were in pretrial detention, or had only been sentenced by a first instance court and were awaiting appeal. There were no reports of cases in which pretrial detention exceeded the maximum sentence for the crime.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence.

Judges and prosecutors, particularly those handling organized crime and war crimes, continued to receive death threats. A deputy war crimes prosecutor reportedly received specific threats during the year. Others in the War Crimes Prosecutor's Office and the Ministry of Justice required full-time police protection.

The courts were inefficient. Although the system of recordkeeping made it difficult to assess accurately case backlogs or court efficiency nationwide, some cases took years to be resolved.

Causes of delay and backlog in the courts included an insufficient number of judges in the main courts, failure of postal workers to serve subpoenas and other court documents, failure of police to execute arrest warrants, failure of prisons to bring prisoners to court for scheduled hearings, issuing indictments or scheduling hearings without complete and thorough investigations, excessive continuances of court hearings, a lack of professional court administration, and failure to invest in professional personnel and modern infrastructure. In many cases, burdensome procedures required by the law also contributed to delays.

Due to criticism of the 2009 judicial reform process, the new High Court Council began reexamining cases in June of each judge who had not been reappointed under the new system. Deputy Prime Minister for European Integration Bozidar Djelic announced on November 15 that approximately one third of these cases had led to judges being reappointed despite a previous denial. The process continued at year's end.

Trial Procedures.—The constitution provides for the right to a fair trial. Trials are usually public, but they can be closed if the trial judge determines it is warranted for the protection of morale, public order, national security, interest of a minor, privacy of a participant or during testimony of a state-protected witness. There are no juries. The law stipulates that defendants are presumed innocent, have the right to have an attorney represent them at public expense, and have the right to be present at their trials. Defendants have the right to access government evidence and to question witnesses. Both the defense and the prosecution have the right to appeal a verdict. The government generally respected these rights in practice.

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

Regional Human Rights Court Decisions.—During the year the European Court of Human Rights (ECHR) issued judgments that found five violations by the state of the European Convention on Human Rights. Most of the cases involved procedural delays and length of court proceedings. The majority of cases settled out of court also dealt with judicial delays. The government generally paid the compensations ordered by the ECHR.

Civil Judicial Procedures and Remedies.—The constitution establishes an independent and impartial judiciary in civil matters, and citizens can bring lawsuits seeking damages for or cessation of a human rights violation. Remedies usually involved monetary awards. Individuals could appeal cases involving alleged violations of human rights by the state to the ECHR once all avenues for appeal in domestic courts were exhausted.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions; however, the government interfered with privacy and correspondence. While the law requires the Ministry of Internal Affairs to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save persons or possessions, police occasionally failed to respect these laws.

Most observers believed authorities selectively monitored communications, eavesdropped on conversations, and read mail and e-mail. Human rights leaders also believed that their communications were monitored.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press. However, the constitution specifically allows restrictions on speech "to protect rights and reputation of others, to

uphold the authority and objectivity of the court and to protect public health, morals of a democratic society and national security of the Republic of Serbia." There were sporadic reports of government interference with freedom of speech and press, mostly at the municipal level and by National Minority Councils.

On April 20, the Ministry of Culture, Media, and Information Society signed a protocol with heads of major media associations to establish an independent working group tasked with drafting a media strategy aimed at improving independence and sustainability. The new strategy was adopted on September 28. Local journalists and international observers complained, however, that no action had been taken to implement the strategy by year's end.

Freedom of Press.—Independent media organizations were generally active and expressed a wide range of views. However, some media organizations experienced threats or reprisals for publishing views critical of the government. Most print and broadcast media were independent and privately owned, although the state maintained extensive media resources, and privatization of municipally owned media was not yet completed. Some newspapers did not make their ownership public, leading observers to question their independence. Radio-Television Serbia (RTS), a public media outlet funded by mandatory subscription, was a major presence, operating two television channels as well as Radio Belgrade. RTS's coverage was usually objective, although the government had considerable influence over RTS and public service Radio Television of Vojvodina. In addition, many television stations relied on the state-owned agency Tanjug for news. The independent news agencies BETA and FONET complained that state financing gave Tanjug an unfair commercial advantage.

Parliament approves the budget of the independent Republic Broadcast Agency (RBA), which has broad authority to revoke radio and television station licenses without the right of appeal. The RBA did not revoke any national broadcasting licenses during the year.

Binding RBA instructions required RTS to broadcast parliamentary sessions live, despite RTS's complaints that it suffered financial and advertising losses as a result. The RTS managing board stated that the order directly interfered with its editorial policy. Parliament occasionally cancelled or postponed its sessions when RTS was not able to broadcast parliamentary sessions due to conflicting contractual commitments.

Violence and Harassment.—During the year some reporters and media organizations were victims of vandalism, intimidation, and physical attacks for coverage and portrayal of views unpopular with the government and right-wing elements of society, such as the capture and extradition of war crimes fugitives.

On November 3, a court of appeals sentenced Daniel Zuza and Milos Mladenovic to one year's imprisonment for the July 2010 attack on Teofil Pancic, a prominent journalist. Zuza and Mladenovic had previously been sentenced to only three months in prison, despite a legally mandated minimum sentence time of six months.

Some prominent journalists, such as Branka "Brankica" Stankovic remained under 24-hour police protection due to threats by extremist groups.

Police investigations and judicial processes involving assaults on journalists were often long and inefficient.

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

Criticism of the 2010 Law on Electronic Communication continued. Under the law, telecommunications operators are obliged to retain for one year data about the source and destination of a communication; the beginning, duration, and end of a communication; type of communication; terminal equipment identification; and location of the customer's mobile terminal equipment. This retained data can be accessed by intelligence agencies without court permission. A court order is required to access the contents of these communications.

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice. The government did not allow the lesbian, gay, bisexual, and transgender (LGBT) community to hold a pride parade on October 2, citing security concerns.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Internally Displaced Persons (IDPs).—Laws and policies seek to protect IDPs in accordance with the U.N. Guiding Principles on Internal Displacement, but implementation fell short in some areas. According to official statistics of the Serbian Commissariat for Refugees (SCR), 210,148 displaced persons from Kosovo resided in the country, mainly Serbs, Montenegrins, Roma, Egyptian, Ashkali (an Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group with cultural distinctions from Roma), Gorani, and Bosniaks who left Kosovo as a result of the 1998-99 conflict. Domestic law states that the government should provide all displaced persons from the conflict who wanted to register as IDPs with an IDP card enabling them to have access to basic government services. In practice, according to a 2010 report by the Internal Displacement Monitoring Center, "[b]ureaucratic complexities and inconsistencies make it very difficult for IDPs to obtain civil documents."

The law requires all residents of the country to record changes of residency. Without an authorized local address in the country, displaced persons were ineligible for health insurance, social welfare, and public schooling. In order to meet the address change requirement and deregister from their original addresses, displaced persons were required to travel to relocated Kosovo civil registries that are currently scattered throughout Serbia. Mostly Roma, Ashkali, and Egyptians who fled Kosovo but were never registered there, or who lived in illegal Romani settlements in Serbia, found it difficult or impossible to register residency in Serbia.

Many displaced persons (mostly Roma, Ashkali, and Egyptians) did not have access to government services due to a lack of identification documents, which can be difficult to acquire if adequate paperwork was not filed at birth or if the registry books were lost during the conflict. The government allowed displaced persons access to assistance from NGOs and international organizations to obtain the documents and complete subsequent birth registration.

According to the UNHCR, after the introduction of biometric passports for Serbian citizens and the abolishing of the visa requirement for travel to EU countries, several displaced persons of Romani, Ashkali, and Egyptian ethnicity were arbitrarily prevented from deregistering their Kosovo address and reregistering at a new address in Serbia.

As of the end of August, according to the SCR, 2,362 displaced persons from Kosovo remained in 29 official collective centers in Serbia. Persons not in collective centers were generally settled in private accommodation. Although the government continued to close collective centers, many displaced persons remained in minimally habitable facilities originally constructed for temporary accommodation rather than long-term occupancy.

There were approximately 22,000 officially registered Romani displaced persons in the country. However, the UNHCR estimated that 40,000 to 45,000 displaced Roma lived in the country, many of whom presumably lacked personal documents necessary to register their status. While some displaced Roma lived in government-supported collective centers, living conditions for Roma (both local and displaced) were generally extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived near major cities or towns in unauthorized, isolated, informal settlements without electricity, water, sanitation, or other public services.

While government officials continued to state publicly that displaced persons from Kosovo should return to Kosovo, senior government officials also claimed that it was unsafe for many to do so. Many Roma believed that they would be at risk if they returned and claimed that Kosovo Albanians and the government assumed that many Roma displaced from Kosovo were Serb collaborators during the Kosovo conflict. Approximately 710 individuals who had been living in displacement centers in Serbia returned to Kosovo during the year, of which 265 were ethnic Serb IDPs. Because fewer than 10 percent of those displaced from Kosovo have achieved a sustainable return since 1999, Serbian authorities began to implement the 2010 National Strategy for Sustainable Return and Subsistence by supporting permanent integration of displaced persons into local Serb communities on a limited basis, according to the Internal Displacement Monitoring Center. During the reporting period, this support came primarily in the form of the provision of durable housing solutions.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Serbia was a transit country that received a mixed flow of migration toward Western Europe. The majority of registered asylum seekers disappeared before an initial decision was made on their applications and sometimes before interviews were conducted. According to the UNHCR, one of the reasons for these disappearances was a lengthy government procedure for deciding applications.

There were no positive refugee status determinations made since the government undertook full responsibility for such determinations in 2008. The SCR ran two asylum centers (one of which opened in June and had a total capacity of 235 persons). At the end of August, the centers hosted a total of 212 asylum seekers.

Employment.—Asylum seekers did not have the right to employment until recognized as refugees through the country's refugee status determination process.

Access to Basic Services.—Asylum seekers had freedom of movement in the country after establishing their identity and filing an application for asylum and were eligible for public assistance, including accommodation and food. The Ministry of Health provided basic health services and treatment, but levels of care varied greatly between the asylum centers. The UNHCR assisted with the provision of additional care, medicine, and legal aid.

Durable Solutions.—During the year the SCR provided limited assistance in construction kits and income generation grants to secure durable solutions for refugees and displaced persons. According to official SCR statistics, 56,423 refugees from Croatia and 17,982 from Bosnia and Herzegovina resided in the country, while the government estimated there were approximately 200,000 to 400,000 former refugees who were naturalized but not socially and economically integrated into the country. Approximately 631 refugees lived in collective centers throughout the country.

In November, the government hosted a ministerial conference with representatives from Croatia, Montenegro, and Bosnia and Herzegovina to sign a Joint Declaration pledging to work with the international community to ensure durable solutions for vulnerable refugees and internally displaced persons.

Temporary Protection.—The government also provided temporary protection (refugee status on a prima facie basis) to individuals from former Yugoslav republics who may not qualify as refugees. The refugee status of individuals from the Socialist Federal Republic of Yugoslavia continued to be regulated under the 1992 Decree on Refugees.

Stateless Persons.—The law states that citizenship is derived from one's parents. According to the local UNHCR office, 146 stateless persons were granted permanent residence in the country during the year. The UNHCR also reported that 6.8 percent of the total Romani population was at risk of de facto statelessness due to existing legislative gaps in the process of civil registration and lack of documentation. Several factors—lack of information, administrative fees, cumbersome and lengthy procedures, difficulty of obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity—prevented effective enjoyment of citizenship rights for these people. These problems disproportionately affected the Romani, Ashkali, and Egyptian communities that were displaced from Kosovo.

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

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

Elections and Political Participation.—Recent Elections.—The country held two rounds of presidential elections in January and February 2008 and parliamentary elections in May 2008, resulting in the creation of a pro-EU government. The Organization for Security and Cooperation in Europe (OSCE) and other election observers, including domestic organizations, judged the elections to have been mostly free and fair.

Political Parties.—Political parties mostly operated without restrictions or outside interference. However, in its final report on the May 2008 parliamentary elections, the OSCE Limited Election Observation Mission noted that some aspects of the campaign went beyond the acceptable limits for a democratic society, in particular the reported death threats to senior officials. The mission reported the display of a large number of posters in Belgrade that could be interpreted as advocating the assassination of top state officials.

Participation of Women and Minorities.—There were 56 women in the 250-seat parliament. The speaker and three of six parliamentary vice presidents were women. There were three women in the 21-member cabinet. The election law requires that each party's list of candidates for parliament to include at least 30 percent women. Political parties participating in the 2008 elections observed this provision.

The law exempts ethnically based parties from the 5 percent of the vote threshold required for a political party to enter parliament. Seven members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament. There were two Bosniaks in the 21-member cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of government corruption at all levels. According to the Anticorruption Agency and Transparency Serbia, a prominent NGO, corruption was a widespread, systemic phenomenon.

The Anticorruption Agency continued to operate independently. On July 8, the Constitutional Court ruled that the provision of the Anticorruption Agency Law that allowed for officials to simultaneously hold two public offices was unconstitutional.

On September 20, Svetlana Vukajlovic, the former director general for the Republic Institute for Health Insurance, was arrested, as were the heads of two prominent companies, Vladimir Gravar and Ljubomir Pavlicevic, following an investigation into the purchase of H1N1 flu vaccine in 2009. Several individuals, including then health minister Tomica Milosavljevic, were also questioned during the investigation. Miljko Radisavljevic, the organized crime prosecutor in charge of the case, announced that the state had lost more than 1.27 million euros (approximately $1.65 million) in the purchase.

On January 28, B92 TV launched a series of investigative reports outlining allegations of mismanagement and financial abuses at the state-owned Kolubara coal mining complex during 2004-08. The investigation centered on the company's renting heavy equipment for use by the mine in sometimes dubious deals at a cost of more than 100 million euros ($130 million). Investigators also questioned the propriety of the mine supplying coal at below-market prices through private intermediaries to other state-owned enterprises, leading to private profits at the apparent expense of the public. Police opened an investigation in mid-February, which continued at year's end.

On September 2, Interior Minister Ivica Dacic stated that there were 2,479 incidents reported in the first seven months of the year that included some element of official corruption. According to Dacic, authorities uncovered corruption in a wide range of sectors. More than 100 members of the Interior Ministry were arrested for various forms of corruption, including facilitating smuggling through the border with Kosovo.

The government has not fully implemented the access to information law and generally did not provide access to government information in practice. The law provides for public access to information of "legitimate public importance" (with many exceptions) and establishes an independent commissioner for information of public importance, selected by parliament, to handle appeals when government agencies reject requests for information.

On June 8, Rodoljub Sabic, the commissioner for information of public importance and protection of personal data, stated that the large number of cases his office received confirmed that there were serious problems in achieving citizens' rights as provided by the constitution and laws. Sabic added that it was especially worrisome that the largest number of complaints to the commissioner involved difficulties obtaining access to information on the management of public funds and public property.

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

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with and responded to their groups. However, these groups were often subjected to criticism, harassment, and threats by nongovernmental actors for expressing views critical of the government or contrary to nationalist views regarding Kosovo, the ICTY, and the wars of the 1990s. One group dedicated to LGBT rights, for example, claimed that they received a steady stream of threats through social media and e-mail that

only subsided during the two weeks before the cancelled LGBT pride parade, a decline the organization attributed to fear of arrests immediately before the event.

U.N. and Other International Bodies.—On May 26, authorities arrested Ratko Mladic on charges of genocide and war crimes committed during the 1992-95 Bosnian war. On May 31, Mladic was transferred to ICTY custody in The Hague.

On July 20, Serbian authorities arrested Goran Hadzic, the last remaining indictee wanted by the ICTY for crimes against humanity. Hadzic was indicted for crimes he allegedly committed during the 1991-95 war in Croatia. On July 22, Hadzic was transferred to ICTY custody.

Government Human Rights Bodies.—The Office of the National Ombudsman continued to operate without government or party interference. According to Ombudsman Sasa Jankovic, even though the national legal framework was in line with the international standards on human rights, there was a lack of will to implement relevant laws in practice. Jankovic's office reported that the state recognized the importance of cooperation with the ombudsman, but cooperation was nonetheless unsatisfactory. Jankovic reported that only a quarter of citizen complaints were justified.

The ombudsman issued an annual report on his activities and special reports on issues of concern. Vojvodina Province had its own ombudsman, who operated independently during the year. The national ombudsman continued to operate branch offices in two municipalities with majority Albanian populations.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. However, discrimination against women, LGBT persons, and ethnic minorities; trafficking in persons; and violence against women and children were problems.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is punishable by up to 40 years in prison. Advocates believed that only a small percentage of rape victims reported their attacks due to fear of reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women's groups believed that sentences were often too lenient in practice.

On April 1, the government adopted a National Strategy to Prevent Family and Partner Violence against Women. Some NGOs, notably the Autonomous Women's Center (AWC), criticized the strategy, which had been drafted initially without adequate consultation with stakeholders. Following complaints by the AWC and others, a working group was founded to develop a new strategy with full participation of women's organizations. On April 21, the AWC and European Women's Lobby Network launched an initiative to establish a Monitoring Center for Violence against Women, an independent expert body that would monitor gender-based violence.

Violence against women was a problem. While high levels of domestic violence were generally acknowledged, there were no reliable statistics on the extent of the problem. On July 29, Snezana Lakicevic, a state secretary in the Ministry for Labor and Social Affairs, warned that violence against women was on the rise. According to Lakicevic, from January through June, 29 women were killed in instances of family or gender-based violence. Women were 5.5 times more likely to be victims of violence than men. More than half of women were subject to psychological, physical, sexual, or other forms of violence at some point in their lifetime.

Domestic violence is punishable by up to 10 years' imprisonment. The law provides women the right to obtain a restraining order against abusers. Such cases were difficult to prosecute due to the lack of witnesses and evidence, and the unwillingness of witnesses or victims to testify. The few official agencies dedicated to coping with family violence had inadequate resources. Civil society played the primary role in combating violence against women. NGOs operated shelters for female victims of violence, and the government continued to provide financial support to safe houses for victims of family violence throughout the country. Several new safe houses for women were opened during the year, including the first regional safe houses in Nis, Smederevo, and Sombor.

Sexual Harassment.—Sexual harassment was a common problem. The law provides that sexual harassment is a crime punishable by up to six months' imprisonment for a case that does not involve abuse or a power relationship, and up to one year's imprisonment for abuse of a subordinate or dependent. Public awareness remained low, and few complaints were filed during the year.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, free from discrimination, coercion, and violence. Health clinics and local health NGOs were permitted

to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There is a National Center for Family Planning and local health centers frequently also had family planning centers. There are no restrictions on the right to access contraceptives. According to the U.N. Population Fund, the modern contraceptive prevalence rate among women age 15-49 was 19 percent. The government provided free childbirth services. Women used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination.—Women have the same legal rights as men, including under family law, property law, and in the judicial system. These rights were generally protected in practice. During the year the government's Council for Gender Equality, the parliamentary Committee for Gender Equality, the Ministry of Labor and Social Policy's Directorate for Gender Equality, gender equality mechanisms and institutions in Vojvodina, local committees for gender equality, and the deputy ombudsman worked with NGOs to raise public awareness of gender equality problems. The law on gender equality guarantees equal opportunities and treatment for men and women in employment and requires state bodies to ensure that the less-represented gender occupy at least 30 percent of the positions in each organizational unit, including management. Both the ombudsman and the commissioner for equality believed that women remained underrepresented in numerous sectors of public and economic life. Romani women often noted that they faced double discrimination on account of their gender and ethnicity.

Traditional views of gender roles, particularly in rural areas, resulted in discrimination against women. In remote rural areas, particularly among some minority communities, women could not effectively exercise their right to control property. School textbooks sometimes offered stereotypical view of women and gender roles.

The social status of women was generally considered inferior to that of men, and women were not well represented in the business world. Women over 50 reported more difficulty finding work than men of a similar age, and more women than men became unemployed as a consequence of the economic crisis. While maternity leave is provided for by law, there were reports that private companies did not always meet legal obligations. NGOs reported that women without children experienced discrimination during the hiring process because employers feared they would take maternity leave in the future.

Children.—Birth Registration.—Citizenship is derived from one's parents. The law on birth records regulates universal birth registration, but according to UNICEF, 5 percent of Romani children are not registered at birth. Subsequent birth registration remains unregulated. Children who are not registered do not have access to public services such as health care.

Education.—Education was free through secondary school but compulsory only through primary school. Cultural norms, ethnic discrimination, and economic hardship discouraged some children from attending school.

Child Abuse.—According to the government's Council for Rights of the Child, approximately 65 percent of school children suffered punishment and physical violence. Children were often victims of family violence, and peer violence among children was on the rise. Girls were victims of sexual violence. The NGO Incest Trauma Center reported that only 10 percent of cases of child sexual abuse were reported to authorities and that, of those, only 3 percent resulted in prosecution and punishment. According to available data, child abuse, including sexual violence, was on the rise. Children in the country were exposed to verbal or physical abuse on a daily basis, and many children were exposed to alcohol, drugs, and violence. On June 30, the country became the beneficiary of a joint EU and UNICEF initiative which aimed to strengthen institutions and services tasked with identifying and combating violence against children. On June 30, the government launched a national campaign to reduce violence against children and women.

While teachers were instructed to report suspected child abuse cases, they often did not do so. Police usually responded to complaints, and authorities prosecuted child abuse cases during the year. Psychological and legal assistance was available for victims. Children also were accommodated in safe houses for victims of family violence.

Child Marriage.—Child marriage was a problem in some communities, particularly among Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average age. Boys generally married a few years later than girls, and some girls married as early as age 12. Child marriage occurred among individuals from all economic and social backgrounds.

Sexual Exploitation of Children.—The minimum age for consensual sex is 14. The criminal code sets penalties for statutory rape ranging from three to 12 years in prison. If statutory rape is qualified as particularly severe, punishment ranges from five to 15 years' imprisonment. If the rape results in the victim's death, the perpetrator is sentenced to a minimum of 10 years in prison.

The law prohibits child pornography. Using a child to produce pornographic material or for a pornographic show is punishable by six months to five years in prison. Selling, showing, exhibiting, or otherwise making child pornography available publicly, including electronically, is punishable by up to two years' imprisonment.

Children in orphanages and institutions were sometimes victims of physical and emotional abuse by caretakers and guardians and sexual abuse by peers.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There are an estimated 3,000 Jews in the country. While the law bans hate speech, translations of anti-Semitic literature were available from ultranationalist groups. Approximately 100 different anti-Semitic books were sold in bookshops. Right-wing youth groups and Internet forums continued to promote anti-Semitism and use hate speech against the Jewish community.

On February 26, two participants in a reality television show on Pink Television made anti-Semitic statements during a live broadcast. The station immediately issued an apology. The RBA subsequently changed the rules to prohibit live broadcast of reality television to prevent hate speech from being transmitted.

Holocaust education continued to be a part of the school curriculum at the direction of the Ministry of Education. The role of the collaborationist National Salvation government run by Milan Nedic during the Holocaust was debated as part of the secondary school curriculum. There was a tendency among some commentators to minimize and reinterpret the role of national collaborators' movements during the World War II period and their contribution to the Holocaust.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government generally enforced the law. However, lack of access to older public buildings and public transportation was a problem. The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

The law prohibits physical, emotional, and verbal abuse in all schools, and there were no reports of abuse in special education facilities. According to the commissioner for equality, persons with disabilities were among the groups facing the greatest levels of discrimination.

Unemployment and discrimination in hiring remained a serious problem for persons with disabilities. A lack of workplace accommodations combined with discrimination and overall high unemployment made it difficult for persons with disabilities to obtain work.

The Ministries of Labor and Social Policy, Education, and Health had sections with responsibilities to protect persons with disabilities. The Ministry of Labor and Social Policy had a broad mandate to liaise with NGOs, distribute social assistance, and monitor laws to ensure the rights of persons with disabilities were protected. The Ministries of Health and Education offered assistance and protection in their respective spheres.

National/Racial/Ethnic Minorities.—Numerous observers noted the existence of a climate of hostility toward national and ethnic minorities, which constituted 25 to 30 percent of the country's population and included ethnic Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, Ashkali, Egyptians, and others.

Roma, who constituted 1.4 percent of the population in the 2002 census but whose actual number was believed to be approximately 5.4 percent, continued to be the most vulnerable minority community and were the targets of police violence, societal discrimination, and verbal and physical harassment.

On June 27, six individuals were convicted for inciting racial and national hatred and intolerance in Jabuka village in June 2010. All six were given sentences below the legally prescribed minimum, one to eight years of imprisonment. Four were sentenced to five months of probation and two, who were convicted as minors, were sentenced to "correctional measures," including being required to finish high school. On October 7, both the prosecution and the defense appealed the case with the Court of Appeals of Novi Sad. The appeal continued at year's end.

Many Roma continued to live illegally in squatter settlements lacking basic services such as schools, medical care, water, and sewage facilities. According to UNICEF, Romani children were one-third as likely to live to their first birthday as other children and often faced difficulties in accessing health care. While the educational system provided nine years of free, mandatory schooling, including a year before elementary school, ethnic prejudice, cultural norms, and economic hardship discouraged some Romani children, especially girls, from attending school.

Ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain that ethnic Albanians were underrepresented in state institutions at the local level. During the year the government began approving Albanian-language textbooks for elementary school use and, on October 28, inaugurated an Albanian-language faculty of business in Bujanovac. Ethnic Albanians continued to lack textbooks in their mother tongue for secondary education.

The government took some steps to counter violence and discrimination against minorities. It operated a hotline for minorities and others concerned about human rights problems. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multiethnic tolerance.

Bodies known as national minority councils represented 22 minority communities and had broad competency over education, mass media, culture, and the use of minority languages. Contrary to the December 2010 announcement by the minister for human and minority rights, elections for a Bosniak national minority council were not held during the year, and it remained the only un-constituted national minority council.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Violence and discrimination against members of the LGBT community were serious problems. While attacks happened frequently, few were reported publicly because victims were afraid of further harassment.

Although the government permitted a pride parade in 2010 and defended marchers from violent counter demonstrations, it canceled the 2011 parade scheduled for October 2, citing security concerns as the reason for the cancellation.

Societal perceptions and attitudes toward the LGBT population continued to be negative, and members of the LGBT community continued to be targets of attacks. LGBT organizations reported that many violent attacks against the LGBT community were not reported to police because the victims did not believe their cases would be addressed properly and wanted to avoid further victimization from the police or publicity generated by their complaint.

On May 17, the country observed the International Day against Homophobia and Transphobia for the first time. The commissioner for equality announced that her office had received 35 complaints of discrimination based on sexual orientation or gender identity.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT individuals. The tabloid press continued to publish articles with hate speech against the LGBT population and interviews with homophobic right-wing groups.

Other Societal Violence or Discrimination.—There are 2,440 persons registered as having HIV/AIDS. According to medical professionals, at least an additional 3,500 HIV-positive individuals were unaware of their infection. NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. NGOs and health workers also reported that some medical workers discriminated against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution provides for the right of workers to form and join unions of their choosing. This right is subject to restrictions, including approval by the Ministry of Labor and Social Policy and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to a requirement of employer approval. The constitution provides for the right to strike except by persons providing essential services, such as public utilities; radio and television broadcasting; food production; healthcare; education; social services; military and intelligence services; work in the chemical, steel, and metal industries; and the postal service. Essential service employees constituted more than 50 percent of the workforce and had to announce planned strikes at least 10 days in advance and ensure that a "minimum level of work" was provided. The constitution and law allow unions to conduct their activities without interference and the labor law protects the right to bargain collectively. The law prohibits discrimination on the basis of trade union membership but does not expressly prohibit discrimination for trade union activities and establishes no

specific sanctions for antiunion harassment. Workers fired for union activity have a legal right to reinstatement.

The state-affiliated Confederation of Autonomous Trade Unions of Serbia (CATUS), a federation of unions formed during the country's socialist period and supported by the Milosevic regime, outnumbered independent labor unions in the public sector. However, independent trade unions were able to organize and address management in state-owned companies on behalf of their members.

The government protected the right of unions to conduct their activities without interference. Workers frequently exercised the right to strike, especially during the first half of the year, when the government faced a series of strikes ending in June, involving employees from the education, health, police, state administration, and public utility sectors. According to some estimates, approximately 100,000 workers throughout the country were on strike at some point during the year.

Labor laws were effectively enforced and collective bargaining was freely practiced. The law requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must represent 15 percent of company employees. In order to negotiate with the government, a union must represent 10 percent of all workforce employees. Collective bargaining agreements covered approximately 40 percent of employed workers.

During the year the independent trade union Nezavisnost continued to allege discrimination against trade unions and violations of workers' rights.

According to the NGOs Felicitas and Center for Democracy, the most common violations of workers' rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers' withholding maternity leave allowances; discrimination based on sex and age; discrimination against persons with disabilities; unsafe working conditions; and general harassment. According to Nezavisnost, the Ministry of Labor and Social Policy's Labor Inspectorate continued to help the union reinstate members who had been fired for union activities.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced and compulsory labor. However, children, primarily from the Romani community, were forced to beg and commit theft (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment is 15, and youths under 18 require written parental or guardian permission for employment. The labor law stipulates specific working conditions for youths and limits their workweek to 35 hours. Penalties for violations include fines of up to 780,000 dinars ($9,645).

The Ministry of Labor and Social Policy's Labor Inspectorate is responsible for enforcing the child labor laws. During the year inspectors did not register any violations involving employment of youths under age 18 without parental permission.

The government effectively enforced laws protecting children from exploitation in the industrial workforce, but did not have the authority to check informal workplaces or individual households. In urban areas, children, primarily Roma, worked in the informal sector as street vendors and car washers. In villages and farming communities, underage children commonly worked in family businesses. In Romani communities, families sometimes forced their children into manual labor or begging.

Children were forced, often by their families, to beg and commit petty crime. Many of these children lived in substandard housing conditions without access to education. The law penalizes parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his/her age with prison terms of three months to five years. The Family Care and Social Welfare Department within the Ministry of Labor and Social Policy also addressed the social problems in the Romani community that led to forced labor.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The minimum wage for the period between June and December was set at 17,748 dinars ($219 per month). According to the governmental Social Inclusion and Poverty Reduction Unit, the 2010 poverty income was set at 8,544 dinars per month ($106). In companies with a trade union presence, there was generally effective enforcement of the minimum wage due to monitoring by the union. This was not the case in smaller private companies where employers were either unwilling or unable to pay minimum wages and mandatory social benefits. These companies often employed unregistered workers, that is, those that were "off the books," for whom the employer did not pay social and pension contribution and to whom the employer paid a cash salary directly without recording the transaction. Most unregistered workers did not report labor violations be-

cause they feared losing their jobs. The Labor Inspectorate is responsible for enforcing the minimum wage.

The law stipulates a standard workweek of 40 hours, which was generally observed in state-owned enterprises but not in private companies. The law provides that an employee may not work overtime for more than four hours a day or for more than 240 hours in a calendar year. One 30-minute break is required during an eight-hour workday. At least 12 hours of break are required between shifts during a workweek, and at least 24 hours of break are required over a weekend.

Collective agreements were the primary means of providing premium pay for overtime. However, the labor law requires that the premium for overtime work should be at least 26 percent of the salary base, as defined by the relevant collective bargaining agreement. While trade unions within a company are the primary agents for enforcing overtime pay, the Labor Inspectorate also has enforcement responsibilities. The inspectorate did not always enforce labor regulations.

Under the law, companies must establish a safety and security unit to monitor observance of safety and security regulations. However, in practice, these units often focused on rudimentary aspects of safety, such as purchasing soaps and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment. The Labor Inspectorate employed 261 inspectors and was responsible for worker safety and health. It increased inspections and preventative measures during the year.

SLOVAKIA

EXECUTIVE SUMMARY

The Slovak Republic is a multiparty parliamentary democracy led by a prime minister and a 150-member Narodna Rada (National Council). Voters elected the head of government, Prime Minister Iveta Radicova of the Slovak Democratic and Christian Union, to a four-year term in 2010. President Ivan Gasparovic, the head of state, was reelected for a five-year term in 2009. Both elections were considered free and fair. Six political parties, four of which formed the governing coalition, participate in the National Council. In October the government fell to a no-confidence vote. Security forces reported to civilian authorities.

Notable human rights problems during the year included abuse of power by judicial figures and a lack of checks and balances within the judicial system; continued societal discrimination and violence against Roma; and government corruption.

Other human rights problems included prison overcrowding and targeting of the press for civil defamation suits by members of the political and business elite.

The government investigated reports of abuses by members of the security forces and elsewhere in government. Some officials engaged in corrupt practices with impunity.

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

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

In May 2010 a Romani man died several days after being arrested in Tornala by local police, who allegedly resorted to the excessive use of pepper spray. Criminal proceedings were initiated but halted in September 2011, based on expert opinion that the pepper spray in question could not have caused death. An organization representing the individual's family appealed the decision.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and the law prohibit torture and other cruel, inhuman, and degrading treatment or punishment, and the government mostly respected these provisions in practice.

Nongovernmental organizations (NGOs) and members of the Romani community cited a continuing trend of mistreatment of Romani suspects by police officers during arrest and while in custody.

The Council of Europe's Committee for the Prevention of Torture (CPT) conducted a monitoring visit in 2009. The CPT noted that the situation in the country had improved from that observed during previous visits, notwithstanding recurring complaints from detainees about excessive use of force by authorities. The CPT urged the government to investigate all allegations of involuntary sterilization of Romani

women promptly and thoroughly and to educate doctors about their criminal liability for performing sterilization without consent.

In 2010 prosecutors charged 10 police officers with abusing six Romani boys (ranging in age from 11 to 16) in Kosice in 2009 following the alleged theft by the boys of a purse. Videotapes of the incident, leaked to the media in 2009, showed the officers forcing the boys to strip naked, kiss, and hit each other. The trial started in November 2010. A second court hearing scheduled for November 2011 was postponed due to the inability of one of the accused to attend the hearing for medical reasons. New charges were filed against police officers who were present but failed to intervene when the alleged abuse took place.

Romani advocacy groups lobbied the government to acknowledge and compensate victims for past involuntary sterilization practices on Romani women in public health facilities. While the law requires patients to submit written sterilization requests at least 30 days before such procedures are performed, criminal charges for alleged violations cannot be filed for offenses that took place prior to 2005, when the law entered into force.

Prison and Detention Center Conditions.—Prison and detention center conditions met most international standards, but overcrowding continued to be a problem. During the year on average 9,118 persons were in prison, 1,407 of whom were in pretrial detention. Of that total, 8,560 were men and 558 women; 132 were under the age of 18. Men and women were held separately, as were underage prisoners and adults unless there was a reasonable justification for placing adults and juveniles together.

Prisoners were able to express complaints without censorship, and a public defender of rights, or ombudsman, was available for their legal aid. The ombudsman was elected by the National Council but did not report any political interference in his work.

There was sufficient access to potable water in all prisons. Prisoners were allowed to practice their religion and observe their faiths freely, and were given adequate space to do so.

The government permitted visits by independent human rights observers. Observers expressed concern that no independent group or NGO regularly monitored prison conditions.

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

Role of the Police and Security Apparatus.—The national police force has sole responsibility for internal and border security and reports to the Ministry of Interior. The head of the police force reports directly to the interior minister, who has the authority to recall any member of the police. A special anticorruption police department, a special prosecution unit, and a specialized criminal court address corruption cases and have increased their combined effectiveness.

The most common charge authorities brought against police officers was abuse of power; other charges included battery, assault and battery, and illegal intrusion into private homes. During the year authorities charged 122 police officers with 167 crimes; in 47 of these cases, the crime was abuse of power. Other crimes involved corruption (11 cases) and obstruction of justice (seven cases). Disciplinary action ranged from fines to expulsion from the police force.

Human rights training remained in the curriculum at police training facilities.

Arrest Procedures and Treatment While in Detention.—The constitution and the law stipulate that a person can only be taken into custody for explicit reasons and must be informed immediately of the reasons for detention. A written court warrant is required for arrest. The court must grant a hearing to a person accused of a crime within 48 hours (or a maximum of 72 hours for "serious cases," defined as violent crimes, treason, or other crimes with a sentence of at least eight years) and either release or remand the individual. A bail system functioned effectively. Detainees have the right to consult an attorney immediately and must be notified of this right. The law allows monthly family visits upon request.

Attorneys are allowed to visit detainees as frequently as necessary, and the government provides free counsel to indigent detainees. However, the CPT's report on its 2009 monitoring visit noted that the majority of persons interviewed claimed to have been informed of their right to an attorney only at the time of the first court hearing, when an ex officio counsel was appointed. The CPT found that in very few cases did detained persons have an opportunity to consult an attorney from the outset of their police detention, let alone request that an attorney be present during the interrogation or initial questioning.

If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written

order placing the accused in custody. Authorities respected these provisions in practice.

Criminal court procedures mandate that the total time of detention (pretrial plus trial) cannot exceed 12 months in the case of minor offenses, 24 months for regular crimes, 36 months for severe crimes, and five years for crimes in which the expected sentence is 25 years to life. In addition pretrial detention cannot account for more than half of the total detention time. In cases with extenuating circumstances, the Supreme Court may extend pretrial detention to four years. Delays in court procedures and investigations frequently led to lengthy detention during both the pretrial and trial periods.

The law allows plea bargaining, which continued to reduce the backlog of court cases. During 2010 plea bargaining resolved 7,619 cases, compared with 6,856 cases in 2009. Between January and September, 4,898 cases were resolved through such arrangements.

In 2010 criminal charges were brought against 4,925 juveniles, of whom 1,822 were between the ages of 14 and 15, nearly three times the number of those charged in 2009.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice problems with corruption, official intimidation of judges, inefficiency, and a lack of integrity and accountability continued to undermine judicial independence. In some cases judges believed they were subjected to pressure aimed at influencing their decisions as well as to intimidation through disciplinary actions.

A series of legislative amendments proposed by Justice Minister Lucia Žitnanska received harsh criticism by the former justice minister and current Supreme Court president, Stefan Harabin. The amendments included measures to strengthen judicial accountability, such as publishing court decisions on the Internet, making public selection procedures for judges and court chairmen, standardizing performance evaluations for judges, and allowing public access to judicial council sessions. These proposals were a reaction to nontransparent actions in the judiciary, including the nepotistic selection of new judges; difficulties in the public's access to court verdicts, especially controversial ones; allegedly unfair promotion and demotion processes; and the manipulation of the electronic random case assignment system. While the public and rule-of-law experts generally welcomed these changes (both those implemented and those only proposed), only a small number of members of the judicial community expressed their support. Harabin and opposition leader Robert Fico called the changes unconstitutional and in breach of judicial independence.

There were reports that higher levels of the judicial hierarchy misused their power by issuing instructions to individual judges on how to decide specific cases.

Disciplinary actions against judges for delays in completing cases appeared to be highly inconsistent. In some cases, judges faced suspension for delaying cases, while in similar cases no action was taken. In several cases disciplinary action was clearly used to intimidate judges into making judicial decisions favored by their superiors or to punish them for their critical statements. Suspension was considered a severe action, since suspended judges were prohibited from entering the court building, received only one-third of their salary, and had their cases assigned to other judges. These practices led to an atmosphere of general mistrust in the judiciary.

District court judge Juraj Babjak, a former judge of the Slovak Constitutional Court and author of several critical articles about the state of the judiciary, faced disciplinary action for alleged delays in 2010. Although he had communicated to the president of his district court that it was impossible to deal with his caseload because of its size and complexity, the court's president filed disciplinary action against him, proposing to demote him to a lower court. On April 6, a disciplinary panel demoted Judge Babjak from the regional court to the district court. Babjak appealed the verdict, and in October the appellate disciplinary panel overruled the original verdict, highlighting the case's numerous flaws. The case was dropped in December.

Judge Miroslav Gavalec, spokesman for the organization For Open Judiciary, which consisted of judges favoring reforms, faced two disciplinary actions, one for "insufficient education" and the other for critical articles he wrote on the state of the judiciary. According to Supreme Court President Harabin, Gavalec's "ungrounded" and "untrue" statements harmed the reputation of the judiciary. Harabin proposed that Gavalec be removed from his position. The case against Gavalec was pending before a disciplinary panel at year's end.

In June 2010 a judicial disciplinary panel ruled that a veteran judge be demoted for allegedly prohibiting the recording of court proceedings in one of her cases. Consequently, the Judicial Council, also presided over by Supreme Court President Harabin, decided that the judge be reassigned from her home city to a distant district court. The judge chose to retire instead. Nevertheless, she lodged a successful

complaint in June to the Constitutional Court, which ruled that the Supreme Court's disciplinary panel violated her right to a fair trial. She asserted that the real motive for her demotion was her unwillingness to decide in favor of Harabin in a libel case he brought against the daily newspaper SME.

In June the Constitutional Court found Harabin guilty of violating his responsibilities by repeatedly disallowing a Finance Ministry audit of the Supreme Court.

With the exception of the Constitutional Court, courts employed a computerized system for random case assignment to increase transparency. There were reports that this system was subject to manipulation. The watchdog NGO Fair Play Alliance filed a criminal and disciplinary motion against the president and the vice president of the Supreme Court for allegedly manipulating the electronic assignment system, and the justice minister filed her own case against Supreme Court President Harabin for the same reason. The disciplinary case was pending before the Constitutional Court at year's end.

In 2008-10 more than 500 judges (of a total of 1,400) submitted claims of "wage discrimination." According to media reports, the judges' claims were organized by senior officials in the judiciary. Former justice minister Viera Petrikova and Supreme Court President Harabin publicly supported the judges' claims. The large number of judges submitting claims raised serious concerns about the ethics of some members of the country's judiciary as well as the potential impact on the state budget. Adjudication of the cases was inconsistent. A small number were dismissed, but in some others, district courts awarded judges compensation of up to 90,000 euros ($117,000). In August Justice Minister Zitnanska filed a motion in the Constitutional Court to remove Harabin from office for failing to appeal a verdict awarding 11 Supreme Court judges more than one million euros ($1.3 million) as compensation for alleged discrimination. Zitnanska claimed that, by not filing an appeal, Harabin did not uphold his duty as Supreme Court president to protect the interests of the court.

Trial Procedures.—Defendants enjoy a presumption of innocence. They are also presumed innocent during the appeals process, meaning that a person found guilty by a court does not serve his sentence or pay any fine until the final decision on appeal has been reached. Persons charged with criminal offenses are entitled to fair and public trials and have the right to be informed of the charges against them. The law does not provide for jury trials. A panel of three judges is obligatory in criminal cases and in civil cases at the regional court and Supreme Court levels. However, NGO observers stated that judicial corruption often resulted in lengthy court delays and improper handling of police investigations. Defendants have the right to be present at their trial, consult in a timely manner with an attorney (at government expense if indigent), access government-held evidence, confront prosecution witnesses, and present witnesses and evidence on their own behalf. Defendants have the right to refuse self-incrimination and may appeal adverse judgments.

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

Regional Human Rights.—Court Decisions.—During the year there were 553 new complaints filed against the state with the European Court of Human Rights (ECHR). The ECHR dealt with a total of 1,052 cases against Slovakia during the year, declaring 694 to be inadmissible. In the 21 admissible cases on which the ECHR ruled in 2011, the court found one or more violations of the European Convention on Human Rights in 19. The court found a total of 28 violations of the state's commitments under the convention, including one violation involving inhuman or degrading treatment, 12 regarding the right to liberty and security, two regarding the right to a fair trial, five regarding the length of proceedings, one involving nonexecution of a court decision, two regarding the right of respect for private and family life, one involving freedom of expression, three regarding the right to an effective remedy, and one involving the prohibition of discrimination.

In November the ECHR ruled in favor of a Romani woman who alleged she had been sterilized in 2000 without her full consent. She was awarded 31,000 euros ($40,300) in damages. The court found that the plaintiff was not fully informed about her health condition, the proposed sterilization, and available alternatives. The court also found that the medical personnel left the plaintiff no option but to agree to the procedure and that the law at the time did not sufficiently protect the plaintiff's reproductive health as a Romani woman. At year's end, three sterilization-related cases against Slovakia were pending in the ECHR.

Civil Judicial Procedures and Remedies.—Citizens have unrestricted access to an independent judiciary to bring lawsuits in civil matters, including human rights violations. Courts that hear civil cases were subject to the same delays as criminal courts and were often perceived by the public as corrupt. Administrative remedies

are available in certain cases. The National Center for Human Rights has the authority to provide mediation for cases of discrimination and to represent claimants in court.

The Office of the Public Protector of Rights (ombudsman) determined that 176 of the approximately 2,517 complaints received in 2010 constituted violations of the rights of the claimants, most of which involved delays in court proceedings. The ombudsman's office continued providing free legal services throughout the country by holding traveling legal clinics in cooperation with individual municipalities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the government generally respected these prohibitions in practice.

Police must present a warrant before conducting a search or within 24 hours afterwards.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and press. While the government generally respected these rights in practice, in some instances it limited these rights to impede criticism and limit actions of groups it considers extremist. The law prohibits the defamation of nationalities, punishable by up to three years in prison, and denying the Holocaust, which carries a sentence of six months to three years in prison.

Freedom of Press.—The independent media were active and expressed a wide variety of views, although media, especially state-owned television, were subject to political influence. In January STV (television) and Radio SRo were merged into a single entity, Radio and Television Slovakia, which, along with TASR news agency, were the two public media outlets that received state funding for specific programming.

Libel Laws/National Security.—Criminal penalties for defamation exist under the penal code but were rarely used. In June the National Council amended a 2008 media law that required publishers to print responses to any "statement of fact that impinges on the honor, dignity, or privacy of a natural person, or the name or good reputation of a legal entity." The amendment, which went into effect September 1, significantly eased this "right of reply" provision and strengthened the notion that public officials deserved greater scrutiny in their work.

Members of the government, judiciary, and political elites targeted the press in a number of civil defamation lawsuits, which often required the press to pay large sums of money. However, the number of cases and damages sought was lower than in previous years. The International Press Institute and other observers expressed concern that this financial risk could still lead to media self-censorship. Courts made multiple decisions in favor of political elites, despite compelling evidence of the veracity of the reports for which media outlets were being sued.

In July 2010 the Bratislava District Court ruled against former prime minister Fico in his case against Petit Press, the parent company of the leading daily SME, alleging damages incurred by publication of a cartoon on its opinion page. Fico's appeal of the verdict was dismissed by the appellate court in November.

In November the Bratislava Regional Court issued a final verdict in a libel case filed by former prime minister Fico against the economic weekly Trend. The court ordered the weekly to apologize to Fico for publishing a photograph of him on the front page of its magazine with the caption "Thief of Future Pensions." The front page and related articles, published in 2007, criticized intended changes to pension legislation under Fico's government that Trend claimed would decrease the value of private pensions. The court ruled that the articles breached Fico's right to "protect his personality" and ordered that the apology be published on Trend's front page.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the government monitored e-mails or Internet chat rooms; however, police monitored Web sites hosting hate speech and attempted to arrest or fine the authors. Individuals and groups could otherwise engage in the peaceful expression of views via the Internet, including by e-mail.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and the law provide for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association.—The constitution and the law provide for freedom of association, and the government generally respected this right in practice. The law requires organizations to pay a nominal registration fee and stipulates that those reg-

istering as foundations have "substantial" financial resources of 6,000 euros ($7,800).

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government has an established system for providing some protection to refugees. While the asylum law gives officials broad authority to reject applicants based on technical errors in their applications, in practice this was not a problem.

The government provided "subsidiary protection," which is granted if asylum is denied and the individual is not eligible for deportation to his or her country of origin due to administrative problems or fear for the person's safety. In 2011, 91 persons were granted subsidiary protection, compared with 57 in 2010. The Alien and Border Police can also grant "tolerated residency." During the first half of the year, 128 individuals were granted tolerated residency, compared with 160 during the first half of 2010.

A criticism of the subsidiary protection system related to the periods for which it was granted. The law requires aliens with subsidiary protection to renew their status every year, which in practice, given procedural requirements, meant renewing their status every 10 months. Critics argued that the uncertainty created by the relatively short periods of temporary residence granted each time could cause problems with finding stable employment.

Safe Country of Origin/Transit.—Consistent with EU legislation, the country employs the concept of a safe country of origin and transit, but authorities are required to ensure that the well-being of individual asylum seekers is not threatened if they are deported to a non-EU "safe third country." Slovakia has been criticized for including on its "safe third country" list countries where sexual acts between same-sex individuals are illegal. The Alien and Border Police have been criticized for lacking the information necessary to determine whether a given country would be safe for persons facing deportation there.

Nonrefoulement.—In April 2010 the government extradited an Algerian national and alleged terrorist to Algeria despite an interim measure issued by the ECHR that specifically stated that he should not be expelled to Algeria until he exhausted all legal avenues for his asylum claim, including the Constitutional Court. The Algerian was extradited before he had time to appeal to the Constitutional Court.

Access to Basic Services.—The government operated a network of facilities for refugees and asylum seekers. The Border and Alien Police operated several holding facilities for individuals caught illegally crossing the border. The migration office operated several facilities throughout the country, including a reception facility where asylum seekers spent approximately 30 days following the filing of their asylum claim, before being transferred to other facilities while their application was processed and eventually into integration facilities. A reception facility in Humenne provided accommodation and services for transit asylum seekers en route to asylum residency in a third country. NGOs had access to refugees and asylum seekers residing in Interior Ministry facilities and participated in the provision of social and support services. NGOs also provided legal support and representation in the asylum process.

There were reports of aliens granted subsidiary protection having limited access to healthcare. Health insurance documentation was issued directly to aliens with subsidiary protection by the Ministry of Interior. This created some instances of confusion among health providers who often did not know which medical procedures would be covered by the policy.

Temporary Protection.—The provision of temporary protection is defined by European Commission Directive 2001/55, regarding the minimum standards for providing temporary protection in the event of a mass influx of displaced persons. There was no use of this provision in 2011.

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

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

Elections and Political Participation.—Recent elections.—The most recent parliamentary elections were held in June 2010. Citizens voted six political parties into the National Council in free and fair elections. Four of the six parties formed the governing coalition, led by the country's first female prime minister, Iveta Radicova.

Communal elections were held in November 2010. The elections were accompanied by allegations of vote buying, particularly in Romani communities in Eastern Slovakia, and other infractions. Consequently, 20 councils were required to repeat their elections in June.

Participation of Women and Minorities.—There were 24 women in the 150-seat National Council, 41 women on the 81-seat Supreme Court, and two women in the 15-member cabinet, including the prime minister.

Because the law prohibits collecting information on ethnicity, it was not possible to determine the precise number of members of minority groups in government. The party Most-Hid ("bridge"), which promotes greater cooperation between the country's Hungarian minority and ethnic Slovaks, held 14 seats in the National Council, seven of which were occupied by ethnic Hungarians. Some ethnic Romani individuals and parties were successful in gaining representation at the local and regional levels. However, Roma were consistently underrepresented in government service, and no Roma sat on the National Council.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and some officials engaged in corrupt practices with impunity. There were also concerns, particularly in the business sector, about the "privatization of justice," and some NGO governance experts reported that court proceedings had become a contest of vested interests and persons with connections to the judicial powers. While the country has financial disclosure laws, compliance was the exception rather than the rule. The World Bank's Worldwide Governance Indicators also reflected that corruption remained a problem.

Instances of police corruption and misconduct were also reported, primarily the extortion of bribes during traffic stops. Headed by a director who reports directly to the interior minister, the Bureau for the Inspection Service of the Police Corps is responsible for investigating police abuses. Cases may be initiated by the inspection service, the police corps, the police department's organized crime unit, and individual citizens, among others.

International companies reported multimillion-dollar losses that they settled out of court simply for lack of a credible legal remedy, and cronyism was cited as the country's primary competitive disadvantage. For example, the government faced allegations of cronyism in connection with a rental agreement, overseen by the finance minister, for tax office space in the eastern city of Kosice. The company that won the tender to rent space to the Finance Ministry was owned by an official of the Slovak Democratic Christian Union (SDKU), the party to which the finance minister belonged. Following public complaints over perceived cronyism, the tender was readvertised several times. The tender was ultimately awarded to the same SDKU-affiliated company.

Possible weaknesses in the electronic auction system revealed other possible cases of cronyism, including one involving the sale of platinum by the State Material Reserves, a government body that controls the use and sale of raw materials. The State Material Reserves sold via electronic auction special platinum sieves for a price far below their market value to a company allegedly linked to politicians. Newswires reported the auction was not announced properly and that the company made its bid literally one second before the bidding closed. Although the prime minister announced that the cabinet would do everything it could to invalidate the contract, the government's actions were limited, because the sieves were sold immediately afterward by the purchasing company.

In both of the aforementioned cases, mid-level government officials were forced to resign, but no other legal consequences ensued. The government proposed a legislative amendment aimed at narrowing the space for the manipulation of electronic auctions and rental agreements as means of financing political parties. In December a leaked document (code named "Gorilla"), allegedly originating with the Intelligence Services, appeared to reveal corrupt practices between business interests

and political parties in 2005-06. The investigations of, and public reaction to, the file and its circumstances continued at year's end.

Following its formation in July 2010, the government launched its reform agenda by requiring online disclosure of all contracts, invoices, and financial transactions involving public funds and introducing electronic auctions as a mandatory form of procurement. However, the government has not prosecuted even the most egregious cases of corruption that had emerged under its predecessors.

In April 2010 the European Commission formally questioned whether the winner of the National Highway Company's (NDS) tender to build an electronic toll-collection system had enjoyed an "unfair advantage." The NDS had awarded the tender to the highest bidder, SanToll-Ibertax, a Slovak entity, for 852 million euros ($1.1 billion). The case was pending before the European Court of Justice at year's end.

In May 2010 Slovak investigators met their foreign counterparts to discuss their findings in the investigation of the sale of Slovak surplus carbon dioxide emission quotas that might have resulted in a loss of at least 40 million euros ($52 million). The case was pending at year's end.

The Ministry of Interior is responsible for developing the government's overall strategy for combating corruption, with a specific focus on investigation and enforcement. The Special Court is responsible for most prosecution efforts. The general prosecutor, who is appointed by the National Council and independent of the executive and judicial branches, also plays a leading role in prosecuting corruption. The Government Office of the Slovak Republic, which oversees the state administration and answers to the prime minister, also plays a role in developing anticorruption legislation and regulations.

In June the governing coalition elected a new prosecutor general, Jozef Centes, to fill the post that had remained vacant since the previous prosecutor general completed his term in February. The vote was mired in political and procedural complications, resulting in several rounds of voting before the final June vote. Since that final vote, however, President Ivan Gasparovic has refused to appoint Centes to his elected post, claiming the need to wait for a pending Constitutional Court decision on the legality of the vote. President Gasparovic also said that he was not convinced that Centes would be proper for the position, based on his perception of Centes' previous actions and decisions as deputy prosecutor general. The media and the governing coalition criticized the president for his inaction, asserting that he is legally obliged to appoint elected candidates and does not have the right to evaluate Centes' personality beyond the criteria stipulated by the constitution. Gasparovic countered such criticisms by arguing that the constitution does not set any specific deadline for appointing elected candidates.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Most NGOs were independent, although the Slovak National Center for Human Rights receives its budget from the National Council and was thus semi-independent. Government officials were generally cooperative, although NGOs reported that at times government officials seemed to view their activities with suspicion or mistrust.

Government Human Rights Bodies.—The country has an 11-member parliamentary Human Rights Committee. The committee held regular sessions during the year but was not particularly active on Roma-related legislation.

In March the government created the Office of the Government Plenipotentiary for the Development of Civil Society, an advisory body in matters related to strengthening engagement by citizens and their position in relation to the state. The government also has a committee for nongovernmental, nonprofit organizations.

The government's Council on Human Rights, National Minorities, and Gender Equality, headed by one of the deputy prime ministers, fulfills an advisory role on human rights issues, and consists of state administration and civil society representatives. In March the council set up several committees as focal points for specific human rights issues. The council held three sessions during the year, but most of its activities were devoted to procedural and administrative matters. The council may issue statements or recommendations on legislative issues relevant to human rights.

The office of the ombudsman was headed by Pavel Kandrac, who submits an annual report on human rights problems to the president. The annual report for the period February 2010 to March 2011 outlined the ombudsman's areas of focus, including court delays, children's rights, and procedural shortcomings by institutions. For the most part, the ombudsman's office did not comment on Roma issues, serious

problems in the judiciary, or other human rights violations. In general the ombudsman's work was not subject to executive interference. However, human rights activists did not consider his office to be very effective.

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

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; the government made efforts to enforce these prohibitions in practice. All government agencies are required to create special favorable conditions for groups who are victims of discrimination, including but not limited to, employment, education, and vocational training.

Women.—Rape and Domestic Violence.—The law prohibits rape, including spousal rape. Although the government enforced the law effectively, rape was an underreported problem according to NGOs and academics. During the year 150 rapes and 542 cases of sexual abuse were reported. Rape victims had access to shelters and counseling offered by NGOs and government-funded programs.

Domestic violence against women continued to be a problem. While the law prohibits domestic violence, it was widespread, and activists claimed that the government did not enforce the law effectively. A joint study carried out by the Ministry of Labor, Social Affairs, and Family and the Public Policy Institute concluded that one in five women was a victim of domestic violence. The law specifically prohibits suspected offenders from reentering the victim's home for 48 hours after an incident was reported. As of November authorities had recorded 321 cases of abuse of a member of household during the year. The law provides stricter sentences for violence directed toward members of the same household and allows for continued criminal prosecution even when a spouse drops charges. Domestic violence is punishable by two to 12 years' imprisonment. According to local NGOs, domestic violence often was underreported due to the social stigma associated with being a victim; crime statistics did not adequately reflect the extent of the problem.

Under a national action plan to combat violence against women for 2009-12, government ministries and local authorities were tasked with increasing awareness about domestic violence through public media campaigns and the training of health practitioners to identify domestic violence victims.

Sexual Harassment.—The law defines sexual harassment as unlawful discrimination. There were few statistics available to measure the frequency or severity of the problem.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Contraception was widely available, but the costs must be covered by the individual, not the public health services. According to NGOs, the high cost of oral contraception in the country and the lack of public subsidization constituted a significant barrier to access. According to the Population Reference Bureau (PRB), 66 percent of married women between the ages of 15 and 49 used modern methods of contraception. Between the ages of 15 and18, women must have the approval of their parents and gynecologist to obtain a prescription for oral contraception. Child mortality rates were very low. According to the PRB, 100 percent of births were attended by skilled attendants. The law on public health care coverage provides comprehensive reproductive health services for women.

Sexual education is offered at all levels of schools, and the government's goal is to reduce unwanted youth pregnancies by 50 percent. However, NGOs noted that the quality of sexual education was very low, and the subject is not mandatory. The country has a low incidence of HIV/AIDS infection. Women and men were treated equally for sexually transmitted infections, including HIV.

Discrimination.—Women and men are equal under the law, including family law, property law, and in the judicial system; however, discrimination against women remained a problem in practice. Although women are legally protected from discrimination in the labor market, NGOs reported that many women were dismissed from their jobs upon becoming pregnant. The Government Council on Human Rights includes a committee on gender equality. However, the committee only held its first session in July, and at year's end it had not dealt yet with substantive gender-related issues. The National Center for Human Rights continued to receive a limited number of gender discrimination cases; underreporting, however, remained a concern. The Ministry of Labor operated a gender equality department. In the wake of organizational restructuring in August, the department had not yet begun to implement policy initiatives. According to the statistical office, in 2010 the gender pay gap was 24.7 percent. According to outside experts and the Ministry of Labor, the reported wage differences were due to low participation of women in higher-paid management positions and large numbers of women working in low-paid occupa-

tions such as education, healthcare, social work, and light industry. The Ministry of Labor also noted that the wage gap was not due to differences in base wages, but to bonuses, which were provided in a less transparent manner.

NGOs continued to advocate increased opportunities for the political participation of women, who were underrepresented in almost all spheres of public life. During the year women accounted for 16.7 percent of senior government officials, 15.3 percent of the National Council, and a similar proportion of officials in regional bodies. According to the statistical office, women constituted 44.6 percent of the workforce in 2010.

Children.—Birth Registration.—Citizenship is acquired by birth to at least one citizen parent, regardless of where the child is born. Each domestic birth is recorded at the local vital statistics office. If the child is born in a foreign country, the foreign birth certificate must be notarized, translated, and submitted to a special vital records office administered by the Ministry of Interior.

Education.—While education is universal, free through the postsecondary level, and compulsory until the age of 15, Romani children exhibited a lower attendance rate than other children. Although Romani children comprised only 15 percent of the total number of children under the age of 16, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the average range of intellectual capacity. In many special schools, the registered student body was nearly 100 percent Roma, according to NGO reports.

The government did not provide data on the percentage of these students who were Roma, as it does not collect data on ethnicity. As of September, 23,951 students were enrolled in special schools and 10,510 enrolled in special classes within regular schools in the public education system. According to a September 2010 report by Amnesty International, Romani children comprised 85 percent of the students in special schools. Regular schools in the same communities had very few Romani students, especially at the secondary school level. A special school education did not provide Romani children the knowledge or certification necessary to pursue higher education.

NGOs continued to implement educational programs through community centers operated by local councils to reduce the number of Romani children who were enrolled in special schools or special classes. These programs included preschool and after-school work to improve basic motor and other skills and habits in neglected children, thereby avoiding their referral to diagnostic centers and ultimately special schools. Social workers also worked with parents in socially excluded families to help them understand the importance of attending a regular school, as Romani children were often placed in special schools with the explicit agreement or at the request of parents themselves. These projects, however, depended on the good will, initiative, and budgetary flexibility of local councils and NGOs and have not yet achieved wide coverage. Reportedly the extra funding that special schools or classes received for each student, compared to regular schools or classes, may have led to an unnecessary number of children, and particularly Romani children, being enrolled in such schools and classes.

Romani children from socially excluded communities also faced segregation in regular educational establishments. There were reports of schools having predominantly or almost exclusively Romani pupils from several surrounding municipalities. This meant that, in practice, non-Romani children often attended a different school than Roma from the same village. In some predominantly Romani municipalities the segregation of Roma and non-Roma in schools was further entrenched by the parents of non-Romani children, who preferred that their children attend a different school with non-Roma. There were reports of local councils' intentionally assigning certain schools to mostly Romani areas, thereby concentrating Romani students in them.

In a landmark decision in December, a district court ruled that segregation of Romani children in a school in eastern Slovakia was illegal. The school had asserted that Romani children were separated due to hygiene concerns and their lack of basic skills, not their ethnicity. The school further claimed that segregation did, in fact, benefit socially excluded children, as teachers could give them special attention. While acknowledging the human rights dimension, the media gave extensive space to arguments supporting segregation. The school's appeal of the district court decision was pending.

In August 2010 the government adopted a program calling for an end to segregation of Romani children in special schools. A 2008 law had addressed some of the problems through reform and new programs, including attendance-based financial incentives. It also provided for the creation of "zero year" classes, which offer one

year of state-funded prekindergarten education to children from socially disadvantaged families. During the 2009-10 school year, 3,134 children participated in the "zero year" program, an increase of 25 percent over the previous year. NGO observers expressed the view that the program was a successful model but that it needed to be expanded further to be effective.

Child Abuse.—Child abuse remained an underreported problem according to child advocates. A number of children's foundations operated programs for abused children.

The government's National Action Plan for Children for 2009-12, funded through the government budget, focused on training social workers and other professionals dealing with children, as well as public education campaigns against corporal punishment and sexual abuse of children.

Sexual Exploitation of Children.—Child prostitution is prohibited; however, according to the U.N., it remained a problem in the poorest Romani settlements. Most of the perpetrators were other Roma. The criminal code establishes 15 as the minimum age for consensual sex. Rape and sexual violence carry penalties of five to 25 years' imprisonment, depending upon the injury or harm caused the victim and the motive.

The production, distribution, or possession of child pornography is also a crime; the penalties for breaking the law range from two to 20 years' imprisonment.

Institutionalized Children.—As of June there were approximately 5,000 children in institutional care, the majority of whom were Roma. Of the 4,100 children in long-term care, nearly 800 were with foster families, a proportion that increased steadily during the previous decade. According to law children under the age of three must be cared for by foster families rather than being placed in orphanages. For older children, orphanages served as long-term care facilities rather than short-term residences. Activists claimed that orphans had difficulty integrating into society at age 18 and faced an elevated risk of falling victim to trafficking. The Ministry of Labor and Social Affairs operated small-group homes for young adults aging out of foster care.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—Jewish community leaders and 2001 census data estimated the size of the Jewish community at approximately 3,000 persons.

Organized neo-Nazi groups, with an estimated 500 active members and several thousand additional sympathizers, promoted anti-Semitism and harassed and attacked other minorities. Jewish community leaders expressed concern that some media coverage in the country exhibited anti-Semitic undertones.

The criminal code provides penalties of two to six years' imprisonment for membership in an extremist group and three to eight for production of extremist materials.

While direct denial of the Holocaust was uncommon, expressions of support for the World War II-era Slovak fascist state, which deported tens of thousands of Slovak Jews, Roma, and others to their deaths in concentration camps, occurred during the year.

At the beginning of the year, the Rajec local council reapproved the placement of a statue of Ferdinand Durcansky in the town square. Durcansky was a controversial figure who played a key role during the initial phases of the World War II collaborationist Slovak state. Durcansky was behind numerous pieces of anti-Semitic legislation that introduced Aryanization and the exclusion of Jews from economic and social life. The placing of the statue was subject to extensive criticism, suggesting that council members lacked sufficient information about Durcansky's anti-Semitic activities. The Rajec local council justified its decision on the grounds that Durcansky was primarily a champion of Slovak independence and not directly responsible for the deportation of Jews in 1942.

The People's Party—Our Slovakia (LS-NS) group—which expressed support for, and used the symbols of, the World War II-era fascist Slovak state—organized numerous marches and gatherings throughout the year. In March approximately 250 persons gathered in front of the presidential palace in Bratislava to commemorate the 72nd anniversary of the founding of the wartime fascist Slovak state in 1939 and to pay respect to its president, Jozef Tiso, who was executed for treason after the war.

The Nation's Memory Institute (UPN) provided access to previously undisclosed records of the Slovak regimes from 1939-89, prompting efforts in the past by politicians such as the far-right Slovak National Party Chairman Jan Slota to abolish it. The UPN supervisory board is led by Arpad Tarnoczy, former chairman of the Union of Anti-Communist Resistance (ZPKO) and known for his pro-Tiso sentiments.

ZPKO published a newsletter, Svedectvo (Testimony), that Jewish community officials criticized for praising the wartime fascist state. Jewish community leaders asserted that UPN publications about the 1939-45 period appeared to express sympathy for prominent regime figures, especially when portrayed as victims of the subsequent communist regime.

The Ministry of Interior pursued violent extremist groups, and police monitored Web sites posting hate speech.

*Trafficking in Persons*See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Persons with disabilities were able to vote and participate in civic affairs. In practice, however, experts reported that access to buildings and higher education remained a problem, and laws to provide assistance to students with disabilities have not been implemented with regard to school facilities or educational materials. There were reports that persons with severe physical disabilities received less than the minimum wage in some instances.

NGOs reported limited resources for psychiatric care outside of Bratislava, a lack of community-based psychiatric care, and an absence of mechanisms to monitor human rights violations against persons with such disabilities. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Healthcare, continued to use cage beds to restrain patients. The law prohibits both physical and nonphysical restraints in social care homes, managed by the Ministry of Labor, Social Affairs, and Family. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the health ministry.

Legislation requiring television stations to provide voiceover for blind viewers has not been implemented by any Slovak broadcaster. While by law mandatory standards for access to buildings are defined, NGOs noted they were not fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The Government Council on Human Rights, National Minorities, and Gender Equality operated a committee for persons with disabilities. The council served as a governmental advisory body and NGOs working on disability issues are represented. The committee's first session, held in June, dealt with procedural and status issues.

National/Racial/Ethnic Minorities.—Government and societal discrimination against Roma and individuals of non-European ethnicity was common. Roma were the second largest ethnic minority with a population of 90,000 according to the 2001 census. Experts estimated that the Romani population was actually between 350,000 and 500,000. The discrepancy was attributed to Roma identifying themselves as Hungarians or Slovaks. Results of the most recent census, conducted in May, were not available at year's end.

NGOs reported racially motivated attacks on minorities (Roma and others) throughout the year, but authorities' investigation of such incidents varied by jurisdiction. During the year four cases of racially motivated attacks resulting in bodily harm were reported. Roma were singled-out for violence, and police detained numerous individuals for racially motivated attacks against Roma.

Several non-Romani minorities as well as foreigners were also victims of racially motivated attacks. In July a small group of right-wing extremist sympathizers verbally and physically attacked a man of African descent in Bratislava. The man's girlfriend called police, but because he suffered only minor injuries, the attack was handled as an administrative offense. Eventually, criminal proceedings were initiated on the grounds that the attackers were part of a group that supported the repression of rights and freedoms.

Extreme rightist, nationalist, and neo-Nazi groups continued to hold events designed to intimidate minority groups. Dressed in uniforms similar to those of the Hlinka Guards (the fascist wartime militia), the groups' members held marches and rallies to commemorate the wartime fascist state and to spread messages of intolerance against ethnic and religious minorities. In the first nine months of the year, the LS-NS organized 13 public gatherings throughout the country. In addition to commemorating historical events and figures associated with the World War II Slovak fascist state, the LS-NS organized anti-Roma public gatherings in locations where there were tensions between Roma and non-Romani population. While the nature of the gatherings was often thinly disguised under such euphemisms as fighting for social justice, security, or equal application of the law to all citizens,

their anti-Romani character was sometimes more open, as during a protest against "gypsy extremists and gypsy parasitic criminality" that was held in Zilina in April.

An alleged 2006 attack and subsequent perjury charges against Hedviga Malinova, an ethnic Hungarian university student in Nitra, continued to draw media attention. Two young men allegedly physically assaulted Malinova after hearing her speak Hungarian. The district prosecutor discontinued the investigation after two weeks, concluding that Malinova had lied about the attack. In October 2010 the National Council's Human Rights Committee convened a hearing to question the prosecutor general about delays in the case. In November the ECHR accepted an agreement between Malinova and the government and subsequently dropped the case pending before it. The agreement provided for the government, among others, to express regret over Malinova's case through a press release. As of year's end, the press release had not been published.

Widespread discrimination against Roma continued in employment, education, healthcare, housing, and loan practices.

Roma continued to face discrimination in accessing a wide variety of commercial services, including restaurants, hair salons, and public transportation. NGOs asserted that the cases of discrimination reported to organizations operating legal help lines represented only a fraction of discrimination cases in practice. In many cases, Romani individuals from socially excluded communities did not report discrimination and simply accepted refusal of access to commercial services as an everyday reality.

Activists frequently alleged that employers refused to hire Roma, with an estimated 80-90 percent of Roma from socially excluded communities being unemployed. NGOs working with Roma from socially excluded communities reported that, while job applications by Roma were often successful during the initial phase of selection, in a majority of cases, these applicants were excluded once the employer found out they were Roma. Cases of discrimination in hiring were rarely pursued through the courts.

Local authorities and groups forced evictions of Romani inhabitants or blocked them from obtaining construction permits or purchasing land. There were reports of local residents purchasing property to prevent it from being acquired by Romani families.

During 2010 several municipalities, mainly in eastern Slovakia, built walls to create a physical barrier between Romani and non-Romani communities. Local councils often justified such walls as measures to reduce theft and criminality, reduce disruption of the peace, or reduce noise. The walls were criticized for further segregating Romani communities and limiting their access to communal facilities.

NGOs reported persistent segregation of Romani women in maternity wards in several hospitals in Eastern Slovakia, where they were accommodated separately from non-Romani women and not permitted to use the same bathrooms and toilets. Hospitals claimed that women were grouped according to their levels of hygiene and adaptability, not along racial lines.

Romani children from socially excluded communities faced educational segregation, both in terms of their disproportionate enrollment in special schools but also in schools in some municipalities, which were predominately attended by either Romani or non-Romani children (see section 6, Children).

Anti-Romani sentiments permeated public and political discourse. NGOs engaged in monitoring activities noted that media reports concerning Roma overwhelmingly focused on crime or other problems associated with socially excluded communities. Political discourse also contained sentiments or policies which discriminated against Roma, both in the form of derogatory remarks, such as during election campaigns (see section 3), or through often-populist policies that placed Roma at a disadvantage.

Following the 2010 parliamentary elections, the Ministry of Interior created the position of Advisor on Roma Criminality. Activists criticized the decision for implying causality between ethnicity and criminality. The ministry was also criticized for populist policies that claimed to get tough on criminality in areas bordering socially excluded Romani settlements but failed to address the causes of criminality or tackle crime issues within excluded settlements.

The law prohibits defamation of nationalities in public discourse; however, authorities enforced this law only when other offenses, such as assault or destruction of property, were also committed. There were instances during the year of public officials at every level defaming minorities and making derogatory comments about Roma. Inflammatory speech by government officials also continued to increase tensions between ethnic Hungarians and ethnic Slovaks.

The law provides for the imposition of fines on government institutions, civil servants, and legal entities that did not provide information required by law in Slovak.

The law authorizes the Ministry of Culture to levy fines of up to 5,000 euros ($6,500) for noncompliance. Members of the ethnic Hungarian minority criticized the provision as discriminatory and a restriction on their right to free speech.

During the year the government made efforts to address violence and discrimination against Roma and other minorities, although some observers expressed concern that judges lacked sufficient training in relevant laws and court cases involving extremism and often did not handle cases properly. The government continued to implement its action plan against xenophobia and intolerance, which included monitoring of extremist activities by a special police unit. A commission consisting of NGOs, police, and government officials advised police on minority issues.

During the year the government made only limited progress on its national minority strategy, which incorporated a wide range of education, employment, housing, and social integration policy recommendations from the Romani advocacy community. While the government allocated approximately 200 million euros ($260 million) of EU structural funds to projects addressing the needs of the Romani community, NGOs complained that the funds had not been successfully distributed and the government lacked a comprehensive approach to Romani integration.

In August 2010 the government appointed Miroslav Pollak, a non-Roma with extensive NGO experience in social work, as the plenipotentiary for Romani affairs. The plenipotentiary maintained five regional offices to supervise the implementation of governmental policy on Romani issues, support infrastructure development, and cooperate with municipalities and villages to improve interaction between Romani and non-Romani populations. The Ministry of Labor, Social Affairs, and Family assigned specially trained social workers to Romani settlements to assist with government paperwork and to advocate the importance of education and preventive health care. The Government Council on Human Rights, National Minorities, and Gender Inequality operated a Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism, and Other Forms of Intolerance.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—According to gay rights advocates, prejudice and official and societal discrimination persisted, although no official cases were available for citation.

In May 2010 the first gay pride parade in Bratislava was marked by attacks by skinhead groups, forcing the organizers to alter the route. The government blamed the organizers for failing to provide adequate protection for the parade. A second Bratislava gay pride parade in June demonstrated more effective cooperation between police and organizers, and no major incidents were reported.

A statement of support for the parade jointly published by several Bratislava-based embassies was met with substantial criticism in the media and from politicians. Apart from the Slovak National Party (SNS), known for its inflammatory remarks about minorities, members of the governing Christian Democratic Movement (KDH) as well as former KDH members criticized the parade and the public support offered by the embassies. SNS chairman Jan Slota stated, "Just like other sick people, I view these people with a certain respect, because no one chooses their illness. Someone who has cancer certainly does not go around celebrating that fact. Neither do they march in the streets. These people are sick. I am not taking away their space to live. But it bothers me that they present it on the streets. It's a sick performance."

Organizations for lesbian, gay, bisexual, and transgender persons operated without impediments and lobbied for legal rights, particularly equal rights in nonheterosexual partnerships.

Other Societal Violence or Discrimination.—There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers with the right to form and join independent unions of their choice except in the armed forces. The law also provides for unions to conduct their activities without interference, including the right to organize and bargain collectively, and workers exercised these rights in practice. The law provides unions the right to strike with advance notice when collective bargaining fails to reach an agreement or in support of other striking employees' demands (solidarity strike). The unions generally exercised these rights in practice without restrictions. The law prohibits dismissing workers legally participating in strikes; however, strikers were not ensured protection if a strike was considered illegal or unofficial. Civil servants in essential services and members of the military may not strike.

b. Prohibition of Forced or Compulsory Labor.—he law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Police are responsible for investigating forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for the protection of children from exploitation in the workplace; however, there were reports that Romani children in some settlements were exploited for commercial sex. NGOs reported that most Romani victims, including children with disabilities, were exploited by family members or other Roma.

The minimum age for employment is 15, although younger children may perform light work in cultural or artistic performances, sports events, or advertising activities if it does not affect their health, safety, or schooling. The National Labor Inspectorate and Public Health Office must approve, determine the maximum hours, and set conditions for work by children younger than 15. Children younger than 16 may not work more than 30 hours per week; children who are 16 and 17 are limited to 37.5 hours per week. Children under the age of 18 are not allowed to work underground, work overtime, or perform labor inappropriate for their age or health.

District inspection units received and investigated child labor complaints. If a unit determined that a child labor law or regulation had been broken, it turned the case over to the National Labor Inspectorate. Enforcement was consistent across all communities.

Child labor in the form of begging was a problem in some communities; there were also isolated reports of children forced into prostitution, often by family members.

d. Acceptable Conditions of Work.—The minimum wage was 317 euros ($412) per month. The minimum living standard (an estimate of the poverty income level) was 190 euros per month ($247).

The law mandates a maximum workweek of 48 hours including overtime, with 30-minute breaks after six hours of work or after four hours for employees younger than 18, and rest periods of at least 12 hours between shifts. Employees who work under conditions that endanger their health and safety are entitled to "relaxation" leave in addition to standard leave. Trade unions, local employment offices, and the Ministry of Labor, Social Affairs, and Family monitored observance of these laws, and authorities effectively enforced them.

The law establishes health and safety standards that the office of labor safety generally enforced. Workers have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. In August 2010, 20 miners died in an underground methane gas explosion in Handlova. The leadership of the mine remained unchanged. Three teams, one from the district mining authority in Prievidza, the second from the Ministry of Economy and Construction, and the third from the police, investigated the explosion but did not release their findings during the year.

Approximately 290 labor inspectors had responsibility for the entire country and were charged with investigating companies for compliance with the law. The Ministry of Labor may impose financial penalties on companies found to be noncompliant. If there are safety and security concerns at a workplace, the inspectors can require companies to stop using equipment that poses risks until safety conditions are met. During the year the law on labor inspection was amended to increase the rights of labor inspectors in cases where "serious misconduct" is found at workplaces. In such cases labor inspectors can impose additional financial penalties on noncompliant companies.

SLOVENIA

EXECUTIVE SUMMARY

Slovenia is a parliamentary democracy and constitutional republic. Power is shared among a directly elected president (head of state), a prime minister (head of government), and a bicameral parliament composed of the National Assembly (lower house) and the National Council (upper house). The coalition government of Prime Minister Borut Pahor lost a no-confidence vote on September 20; citizens elected a new government on December 4 in free and fair multiparty elections. Security forces reported to civilian authorities.

The most significant human rights problem was societal discrimination and occasional extremist harassment and violence against the country's Roma, which aggra-

vated their harsh living conditions, limited access to education and employment opportunities, and heightened social exclusion. Judicial and administrative backlogs and inefficiency resulted in significant delays in trials and in processing of asylum applications. While the government made some progress in restoring residency to persons whose status as residents was "erased" after the break-up of the former Yugoslavia, these "erased" individuals were unable to exercise fully their rights regarding access to housing, health care, employment, and social security.

Other problems reported during the year included prison overcrowding; government corruption; domestic violence against women and children; trafficking in men, women, and girls; and violence and discrimination against gay men and lesbians.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government.

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

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

The location and identity of the remains of several thousand persons executed extra judicially during 1945-47 remained an issue of great political sensitivity in Slovenia. During the year government authorities continued to discover mass graves from post-World War II summary killings that took place throughout the former Yugoslavia. The official count of graves discovered by the end of the year was 594, although the actual number of victims was believed to be much higher. Authorities had not exhumed or identified the vast majority of human remains at these sites. During the year the government halved the budget for investigating mass graves, reducing it to 876,000 euros (approximately $1.1 million). The country has no legal mechanism for survivors or descendants of victims of extrajudicial killings to seek redress or initiate an official inquiry.

In March a group of historians publicly criticized the government's handling of mass grave exhumations; in June church officials followed suit with similar criticisms. In October an association of persons who had resisted communism held a memorial at a mass grave site and called for a register of sites and a list of victims.

In late 2010 government officials stopped the exhumation of a mass grave near Dobova by a German contracting firm. The state prosecutor maintained that a war crime had been committed on the site and that such exhumation work could not be performed, since the site might still yield evidence, and perpetrators found. No further exhumation was undertaken.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. As of October there were a total of 1,336 prisoners, 968 of whom were convicts and 304 were detainees. There were 67 female prisoners and 30 juveniles. Men and women were incarcerated in separate facilities, as were juveniles and adults. Compared with 2010, the average number of inmates decreased by 3.8 percent. Prisoners had access to potable water.

Of the 13 prisons in the country, only four had a capacity of more than 100 prisoners. New facilities at Dob Prison increased national prison capacity by 174 places. The renovated Dob Prison opened on October 14 and by year's end was already operating at 103.5 percent capacity. In August the Ministry of Health opened a forensic psychiatry unit in Maribor, which provided psychiatric treatment in a central location with expert staff.

In 2009 Slovenia adopted a "weekend prison" program for convicted prisoners serving sentences of up to three years, who were not convicted of sexual offenses, and who maintained regular employment during the week. No abuses of the weekend prison system were reported during the year.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

On October 20, the European Court for Human Rights (ECHR) ruled in favor of five former inmates of Ljubljana prison and ordered Slovenia to pay 39,500 euros (approximately $51,350) to each plaintiff for poor prison conditions, notably severe

overcrowding during 2009. The country appealed the ruling. On December 8, the independent human rights ombudsman presented a report on the implementation of the U.N. Optional Protocol to the Convention against Torture, expressing concerns about the country's overcrowded prisons. The report was based on 44 unannounced prison visits throughout the year.

An ombudsman serves on behalf of prisoners and detainees in matters such as alternatives to incarceration for nonviolent offenders; the status and circumstances of confinement of juvenile offenders; and improvements in pretrial detention, bail, and recordkeeping procedures to ensure that prisoners did not serve beyond the maximum sentence for the offense with which they were charged. The independent ombudsman carried out these responsibilities during the year.

The government permitted local and international human rights groups, the media, and international bodies such as the International Committee of the Red Cross and the Council or Europe's Committee for the Prevention of Torture (CPT) to monitor prison conditions independently. No such monitoring occurred during the year.

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

Role of the Police and Security Apparatus.—Police are under the direct supervision of the Ministry of Interior. The ministry oversees the drafting of basic guidelines, security policy, and regulations governing the work of the police. It monitors police performance, with an emphasis on protecting human rights and fundamental freedoms. The police provided effective law enforcement.

The law provides for the review of allegations of police abuse either by the head of the organizational unit of the police or by the Senate of the Ministry of Interior. The Senate does not have authority to conduct independent investigations and relies on information provided by the Ministry of Interior or police investigators. The Senate committee usually forwarded its findings to the State Prosecutor's Office as well as provided reports to the police and the complainant.

There were no reports of impunity involving security forces during the year.

As of September the police internal investigation division had investigated 35 allegations of police, prosecutorial, and judicial misconduct during the year. There were no arrests or trials by year's end.

It is unconstitutional to collect data on the ethnic or national background of citizens. The police reported that during the year they held 12 two-day training sessions for 217 police officers and civilians to sensitize them to issues relevant to working in a multicultural environment. Representatives of the Roma community participated in the training, which served to establish dialog between police and individual Roma. The police trained several officers in the Romani language and prepared a Slovenian-Romani dictionary. During the year police handled several successful mediations in disputes in the Roma community and between Roma and the majority population.

Arrest Procedures and Treatment While in Detention.—Police generally apprehended those taken into custody with warrants issued by either a prosecutor or judge. Authorities may detain suspects for 48 hours before charging them. Authorities are required to inform the suspect verbally of his rights immediately after arrest. Authorities must also advise detainees in writing within six hours (within three hours for minor offenses) of the reasons for their arrest. Upon arrest, detainees have the right to contact legal counsel of their choice, and authorities generally respected this right in practice. The government provided indigent detainees with free counsel and generally allowed detainees prompt access to family members. The law also provides safeguards against self-incrimination.

Once authorities charge a suspect, pretrial detention may last for up to four months, depending on the severity of the alleged crime. An investigative judge must certify the charges. After the commencement of trial procedures, authorities may extend the total detention period for up to two years. Authorities must release persons detained more than two years while awaiting trial or pending conclusion of their trial. Lengthy pretrial detention was not a widespread problem, and authorities generally released defendants on bail except in the most serious criminal cases.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice. The law provides the right to a trial without undue delay; however, court backlogs at times resulted in lengthy trial delays. As of June there was a backlog of 266,221 cases. The "Lukenda" project, started by the government in 2005 to eliminate the judicial backlog, continued to boost the efficiency of the judiciary, reducing court backlogs and lowering the average processing time from 14.1 months to 6.1 months. The government extended the Lukenda project until 2012.

Trial Procedures.—The constitution and law provide for the right to a public fair trial, and an independent judiciary generally enforced this right. Defendants enjoy the right to a presumption of innocence; a trial by jury; to consult with an attorney; to confront prosecution witnesses and present their own witnesses and evidence; access government-held evidence; and appeal. While indigent defendants have the right to an attorney provided at public expense, the government had not established a formal system to provide legal counsel to the indigent. However, free counsel was available to indigents from the nongovernmental organization (NGO) PIC (Legal Information Center) and the government-sponsored Free Legal Aid.

The judicial system was overburdened and lacked administrative support, resulting in frequent delays in the judicial process. In many instances criminal trials took from two to five years.

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

Regional Human Rights Courts Decisions.—Slovenia is subject to the European Court of Human Rights (ECHR). During the year the ECHR found 11 violations by the country of the European Convention on Human Rights, with seven of these deemed eligible for "effective remedy. Slovenia complied with ECHR decisions.

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent and impartial judiciary in civil matters, including damages for, or cessation of, human rights. As with criminal matters, court backlogs sometimes resulted in lengthy or delayed trials. Individuals may appeal court decisions involving alleged human right violations by the state to the ECHR once all avenues for appeal in domestic courts were exhausted.

During the year the Ministry of Justice stated that of the 33 property restitution cases arising from World War II, 29 of the registered cases essentially were resolved. Three remaining cases, two involving claims by U.S. citizens, have not made significant progress.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. It is unconstitutional for the government to collect data from citizens regarding ethnicity, race, or religious denomination.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. Reports of indirect government influence on the media continued during the year.

Freedom of Speech.—Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism. However, the law prohibits hate speech, specifically incitement to intolerance or violence. The penalty for hate speech is two years' imprisonment. Although police statistics on the incidence of hate speech did not show a significant increase, NGOs and government officials maintained there had been a general increase in intolerance, particularly anti-Semitic and homophobic hate speech.

Freedom of Press.—Media outlets were subject to the same laws that prohibit hate speech as well as to laws prohibiting defamation and libel. The independent media were active and generally expressed a variety of views without restriction. The international media operated freely.

The Annual Report on the Freedom of the Press by the Association of Journalists and Commentators noted that the government exerted increasing pressure on the media and highlighted criminal prosecutions of journalists conducted by the State Prosecutor's Office at the request of state and municipal officials. Examples included the police investigation in late 2010-early 2011of Silvester Surla, editor in chief of Reporter magazine, who criticized Ljubljana mayor Zoran Jankovic's political involvement in business activities and the indictment of journalist Borut Tavcar for satirical statements concerning the involvement of the city administration with the holdings of public companies owned by the municipality of Ljubljana.

Violence and Harassment.—In its December 1 edition, the South East Europe Media Organization reported death threats received by two Slovenian journalists. Blaz Zgaga and Matej Surc received numerous anonymous threats for their reporting on the Patria trial..

Censorship or Content Restrictions.—The media practiced some self-censorship in reporting the discovery of mass graves of suspected Nazi collaborators killed at the end of World War II. Almost no domestic media outlet covered the new mass graves

found during the year or discussed the identity of the persons responsible for the killings.

Libel Laws/National Security.—The law provides criminal penalties for defamation that harms a person's honor or name; there were a few reports of prosecutions for defamation during the year.

On December 13, a Ljubljana district court ordered a Finnish broadcast journalist to pay former prime minister Janez Jansa 15,000 euros ($19,500) in connection with the journalist's 2008 allegation that Jansa and other Slovenian officials had taken bribes in exchange for awarding a major contract to the Finnish defense company Patria (see section 4). The court also ordered the journalist and the Finnish broadcast company YLE to retract the allegation on Slovenian and Finnish national television.

Actions to Expand Press Freedom.—The government operated a "media pluralization" fund intended to ensure that media reflected a diversity of viewpoints. The Commission for Pluralization of Media (under the Ministry of Culture) published tenders for cofinancing various media projects through the Fund for Pluralization.

Internet Freedom.—There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet. The independent organization Helpline Spletno Oko (Web Eye) monitored the presence of hate speech and child pornography on the Internet and received on average 62 reports and tips per month.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Protection of Refugees.—Access to Asylum.—The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. There was no significant increase in the number of asylum seekers during the year.

Border police who apprehend persons seeking asylum are required to process applications, inform applicants they may seek the assistance of the asylum home (a residential facility where asylum seekers live while awaiting status decisions), and direct the individuals there.

The law permits asylum seekers to change their asylum applications if there are considerable changes in their circumstances. The law also provides asylum seekers with the right to appeal decisions on their applications, but authorities did not inform many asylum seekers of this right.

As a precautionary measure aimed at eliminating lengthy paperwork in cases where applicants eventually choose not to pursue asylum claims, asylum seekers must sign a prospective "renunciation statement" during the 24 hours when they are in the "pre-reception" area of the asylum center awaiting the filing of their asylum application. This document allows officials to close cases only when applicants abandon their asylum claims.

If asylum seekers leave the reception area of the asylum center premises before filing asylum applications, they are no longer considered asylum seekers and can be deported or detained in the aliens center, a separate facility outside Ljubljana. After an asylum application is filed, asylum seekers are free to leave but are expected to return to the asylum home each evening. An absence of more than three days is considered a withdrawal of an asylum claim, with authorities regarding the asylum seeker as having left the country. If the claimant returns to the asylum home after the three-day period, the individual's status changes to that of a nonresident alien, subject to deportation.

There are no policies or laws that deny asylum based on country of origin.

Nonrefoulement.—In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Stateless Persons.—Citizenship is derived from parents, with certain limitations when the child is born outside Slovenian territory. Naturalization is also possible.

The Ministry of Interior estimated that 25,671 persons were deprived of residency status by a 1992 administrative "erasure" of Yugoslav citizens in Slovenia who had residency status in another Yugoslav republic. The government annulled and destroyed the identity documents of the "erased," leaving them without residency and without rights to education, health care, housing, work permits, or pensions. There was no right of appeal.

Of these "erased" persons, 10,943 subsequently adjusted their status while 13,426 have not (1,302 others died). There was no official data available on the 13,426 persons who had not adjusted their status, a few dozen of whom lived in Slovenia and filed applications for permanent residence. NGOs, the independent ombudsman for human rights, and the Ministry of Interior believed that the majority of the remainder lived abroad in Bosnia, Serbia, Italy, and Germany.

Since 2009 a legal framework (the Legal Status Act) has existed for retroactively recognizing the residency status of "erased" persons in Slovenia. However, legal experts and NGOs objected to the act because of the significant administrative costs and effort involved in applying for reinstatement and because the burden of proof was entirely on the erased individual, who usually lacked basic documentation.

In October 2010 the ECHR accepted a request for referral from the government to hear its objections to the 2010 ECHR ruling against Slovenia in Kuric v. Slovenia, which found the country had violated its obligations under the European Convention on Human Rights by erasing the residency status of the plaintiff. On July 5, representatives of "erased" persons testified at a public hearing before the ECHR that Slovenia's measures to undo the injustice of the 1992 erasure were insufficient and that the "erased" were entitled to damages.

On July 28, a government task force on the implementation of relevant legislation reported to parliament that the "erased" were still unable to exercise their rights in the areas of housing, health care, integration in the labor market, and social security according to the existing legislation.

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

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

Elections and Political Participation.—Recent Elections.—On December 4, the country held early parliamentary elections that were considered generally free and fair.

Participation of Women and Minorities.—There were 28 women in the 90-seat National Assembly and one woman in the 40-seat National Council.

There were two members of minority groups in the National Assembly but none in the National Council or cabinet. The constitution provides the indigenous Italian and Hungarian minorities the communal right to have at least one representative in the National Assembly. However, the law does not provide such rights to any other minority group.

Twenty distinct Romani communities, each designated indigenous at the local level, are entitled to a seat on their local municipal council. After four years of noncompliance, Grosuplje became the last municipality in the country to comply with the law, electing a Roma representative to the city council during the year. It also established a Roma Commission in September.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively; however, officials sometimes engaged in corrupt practices.

The public perceived corruption to be a widespread problem. Only the highest-level government officials—approximately 5,000 of the country's 80,000 public employees—were subject to financial disclosure laws. As of October 28, the Independent Commission for the Prevention of Corruption received 1,026 reports of suspected corruption, compared with 1,033 for the same period in 2010.

At year's end five officials, including former prime minister Janez Jansa, remained on trial for bribery and accepting bribes in connection with a 2006 Ministry

of Defense contract to purchase armored vehicles from the Finnish defense company Patria for 278 million euro ($361.4 million).

On August 10, Minister of Interior Katarina Kresal, denying any wrongdoing, resigned after the Court of Audit and the Anticorruption Commission declared that her conduct in obtaining building leases for her National Bureau of Investigation was improper and corrupt.

The anticorruption commission played an active role in educating the public and civil servants about corruption; however, it claimed to have had neither an adequate staff nor sufficient funds to fulfill its mandate and assess all cases of suspected corruption it received. In contrast to previous years, the commission did not refer any reports of police or other corruption to prosecutors for further investigation during the year.

The law provides free public access to all government information; in practice the government provided such access to both citizens and noncitizens, including foreign media. The government may deny public access only to classified information, personal data protected by privacy laws, and other narrowly defined exceptions.

The Office of the Government Information Commissioner reported that the number of complaints related to the nonresponsiveness of state institutions increased. During the year the office received 549 complaints against decisions of state institutions and 308 complaints under the Law on Access to Public Information.

The NGO Integriteta in partnership with Transparency International completed a report on the responsiveness of state institutions. It found that law enforcement agencies (National Bureau of Investigation and police), the National Assembly, the Court of Auditors, and the State Electoral Commission provided the fastest and most comprehensive responses. Integriteta reported that the office of the independent ombudsman, Commission for the Prevention of Corruption, and Supreme Court provided less satisfactory and slower (or no) responses.

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

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

Government Human Rights Bodies.—The constitution provides for an independent human rights ombudsman to monitor violations of human rights, especially when perpetrated by persons in positions of public authority. The independent ombudsman prepares an annual report on the human rights situation and provides the government with recommendations. Individuals may file complaints with the independent ombudsman in hopes of securing nonjudicial relief in the case of a human rights violation. In September the independent ombudsman presented her comprehensive 400-page report for the year to parliament in which she stressed the country needed a national institution for preventing, researching, and dealing with human rights abuses. Neither the prime minister nor the president offered any substantive comments in response.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, and domestic violence are illegal. During the year SOS Helpline, an NGO that provided anonymous emergency counseling and services to domestic violence victims, estimated that one in seven women was raped during her lifetime but that only 5 percent sought assistance or counseling. In particular, victims rarely reported spousal rape to authorities. Police actively investigated reports of rape and prosecuted offenders. The penalty for rape was one to 10 years in prison. There were 33 reported rapes in the first half of the year; 25 reported acts of sexual violence; six criminal acts of sexual abuse of the weak; and 99 sexual attacks on minors under the age of 15.

Violence against women, including spousal abuse, occurred and was generally underreported. In the first half of the year, the police processed 1,556 cases of criminal acts against a spouse, a family member, and children (165 cases of kidnapping of minors, 1,039 cases of domestic violence, and 352 cases of parental negligence and child abuse). Police reported an increase in domestic violence, parental negligence, and child abuse, mainly due to changes in the law and greater expertise on the part of responsible institutions. The law provides for penalties of up to 10 years' imprisonment in the case of aggravated and grievous bodily harm.

SOS Helpline estimated that 25 percent of women had been victims of domestic violence. The NGOs SOS Helpline and Kljuc provided support hotlines, and SOS Helpline reported 2,389 calls during the year. The government fully funded eight crisis centers for mothers with children and adolescents (with 68 beds), one of these specializing in children six years of age or younger. The government also partially funded 29 shelters, safe houses, and maternity homes that offered 408 beds. Shelters, safe houses, and crisis centers specifically for women and children provided 271 beds in 19 locations, and maternity homes provided 139 beds in 10 locations. The government worked with NGOs on domestic violence cases, providing shelters and social work centers. When police received reports of spousal abuse or violence, they generally intervened and prosecuted offenders. The police academy offered training on domestic violence.

Sexual Harassment.—The law prohibits sexual harassment in the workplace (deemed a criminal offense) and in all areas of life (prohibited as discrimination); however, it remained a widespread problem. During the first nine months of the year, 56 criminal acts of sexual harassment were reported.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children. They also have the information and means to do so free from discrimination, coercion, and violence. There was free access to contraception and to skilled attendance during childbirth, including essential obstetric and postpartum care. According to estimates by international organizations for 2008, the maternal mortality rate was 18 deaths per 100,000 live births. Women and men were equally diagnosed and treated for sexually transmitted infections.

Discrimination.—The law provides for equal rights for women, and there is no official discrimination against women in family law, property law, or the judicial system. The Office of Equal Opportunities protected the legal rights of women. While the average length of unemployment was the same for men and women, women frequently held lower-paying jobs. Women's earnings averaged 96.5 percent of those of men.

Children.—Birth Registration.—Citizenship is derived from the parents with certain limitations. A child is granted Slovenian citizenship at birth provided that at the time the child's mother and father were Slovenian citizens; one of the child's parents was a Slovenian citizen and the child was born on the territory of the country; or one of the child's parents was a Slovenian citizen while the other parent was unknown and/or of unknown citizenship, and the child was born in a foreign country. Naturalization is also possible. There were no reports of problems with immediate birth registration.

Education.—While education for children is compulsory through grade nine, school attendance and completion rates by Romani children remained low. Poverty, discrimination, lack of parental and familial permission or support, and language differences continued to be the main barriers to the participation of Romani children in education programs. Official literacy rates were not available, but social services officials suggested unofficially that Roma literacy was approximately 15 percent. Amnesty International reported that in some representative communities 13 of 22 children failed to advance from first to second grade. In Novo Mesto the Development Education Center offered classes to approximately 100 Romani adults who had not finished primary school, linking their attendance to their receipt of social welfare benefits.

Segregated classrooms were illegal, but a number of Roma reported to NGOs that their children attended segregated classes and that school authorities selected them disproportionately to attend classes for students with special needs. A few communities offered additional educational training for students with special needs, creating separate groups to help students experiencing scholastic difficulties, with the goal of eventually returning them to the mainstream. Educators admitted that most of these separated groups consisted almost entirely of Romani students and sometimes criticized this model for continuing de facto segregation. The European Social Fund, working in conjunction with the Ministry of Education, continued funding 26 Romani educators to work with teachers and parents. According to the ministry, these educators had a positive impact in helping Romani children to stay in school.

Child Marriage.—Child marriage occurred within the Romani community, but it was not a widespread problem.

Sexual Exploitation of Children.—The law penalizes the possession, sale, purchase, or propagation of child pornography. The law criminalizes statutory rape with a sentence of six months to five years and sets the minimum age of consent for sexual relations at 15. If the victim is determined to be especially vulnerable, the sen-

tence is set at a minimum of three years with no maximum. If the perpetrator is a teacher, the penalty is from one to eight years in prison. The law provides children special protection from exploitation and mistreatment, and the government generally enforced the law in practice.

During the year 99 criminal acts of sexual abuse of a child under the age of 15 were reported to authorities. Trafficking in children, mainly teenage girls transiting the country, was a problem.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were approximately 300 Jews in the country. Jewish community representatives reported some prejudice, ignorance, and false stereotypes of Jews propagated within society, largely through public discourse. There were no reports of anti-Semitic violence or overt discrimination, but there were reports of increased anti-Semitic speech, particularly on the Internet.

The government promoted antibias and tolerance education in the primary and secondary schools, and the Holocaust is a mandatory topic in the contemporary history curriculum. In March the historic synagogue in Maribor was reopened as the Center of Jewish Cultural Heritage.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other government services, and the government generally enforced these provisions in practice. The law mandates access to buildings for persons with disabilities. The government implemented laws and programs to ensure that persons with disabilities had access to buildings, information, and communications, but modification of public and private structures to improve access continued at a slow pace, and many buildings were not accessible in practice. The Ministry of Labor, Family, and Social Affairs has primary responsibility for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The law provides special rights and protections to indigenous Italian and Hungarian minorities, including the right to use their own national symbols and access to bilingual education. Each of these minorities has the right to representation as a community in parliament. Other minorities do not have comparable special rights and protections.

The government considered ethnic Serbs, Croats, Bosnians, Kosovo Albanians, and Roma from Kosovo and Albania to be "new" minorities, and the special constitutional provisions for indigenous minorities did not apply to them. The new minorities faced varying degrees of governmental and societal discrimination with respect to employment, housing, and education.

According to press reports, police opened an investigation in July into the appearance of posters with the slogan "Gypsies Raus" (Gypsies Get Out) and neo-Nazi signs in the town of Lendava. Police arrested three young men for the crime. The Speaker of the National Assembly Pavel Gantar, Minister for Slovenians Abroad Bostjan Zeks, Human Rights Commissioner Zdenka Cebasek Travnik, and the head of the Slovenian Roma Association Jozko Horvat Muc condemned the incident.

Many Roma lived apart from other communities in settlements that lacked such basic utilities as electricity, running water, sanitation, and access to transportation. According to Roma Association officials, 68 percent of Romani settlements were illegal. Organizations monitoring conditions in the Romani community noted that the exclusion of Roma from the housing market remained a problem. The U.N. special rapporteur for human rights declared in August that Slovenia had failed to fulfill the basic human rights of its minority population, specifically failing to provide adequate water and housing to Roma.

Official statistics on Roma unemployment and illiteracy were not available. However, organizations monitoring conditions in the Romani community and officials employed in schools with large Romani student populations unofficially reported that unemployment among Roma remained at approximately 98 percent and that illiteracy rates among Roma remained approximately 85 percent. Government officials emphasized that illegality of settlements remained the biggest obstacle to implementing the rights of Roma to adequate housing, water, and sanitation. The independent ombudsman recommended to the government that it act on an emergency basis to legalize Romani settlements.

The government continued the second year of a five-year national action plan of measures to improve educational opportunities, employment, and housing for the Roma. NGOs and community group representatives reported some prejudice, igno-

rance, and false stereotypes of Roma propagated within society, largely through public discourse.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination based on sexual orientation; however, societal discrimination was widespread, and cases of violence against lesbian, gay, bisexual and transgender (LGBT) persons occurred. The Ministry of Interior confirmed that hate crimes had generally increased compared with 2010.

The NGOs Society for the Integration of Homosexuals (DiH) and Legebitra reported that the police did not indicate whether violent crimes were specifically directed at LGBT individuals. No official statistics on crimes based on gender identity or crime data categorized by specific targets were available by year's end. During the year police recorded 24 incidents of inciting hatred or violence and reported 27 cases of inciting intolerance, two of which involved physical attacks. Legebitra reported that 92 percent of cases of homophobic hate speech or violence were not reported to police and that during the past year the rate of calls for personal counseling (to address discrimination and harassment of LGBT individuals) had increased 150 percent.

In April, May, and June, during events surrounding the annual pride parade and the Family Law debate, some attacks occurred, including an assault on an Italian visitor and the serious beating of a British visitor, both of which police characterized as hate crimes. A few days before the pride parade, the Green Dragons, a soccer fan club, displayed a banner during a match calling for a ban on the pride parade and support of the Family Law. Cafe Open, with clientele primarily of gay men and lesbians and the headquarters of the pride parade, had its windows smashed on the night before the parade. On June 4, the annual gay pride parade in Ljubljana took place with the support of local government officials; however, there were reports that bystanders shouted homophobic slurs at participants, and antigay graffiti and stickers were seen in various locations around the city. Organizers reported satisfactory police presence during the parade.

On July 14, the NGO Skuc called for action in the case of two gay asylum seekers from Kosovo, Kadri Shala and Demir Kruezi, who had been subject to attacks in their home country. During their stay at the asylum center in Ljubljana, Skuc reported, residents and employees of the center had abused them both.

In 2010 three individuals were convicted and sentenced to 18 months in prison for assaulting an individual during the 2009 gay pride parade. However, on August 2, the court commuted the sentences of all three assailants, based on their lack of prior criminal record, age (less than 21), and apology to the victim.

On June 16, parliament passed the Family Law, allowing for adoption of children by gay or lesbian couples if one of the partners was a biological parent, entitling same-sex couples in civil partnerships the same rights as married couples, and changing the definition of a family to include two persons and a child. On July 19, the Ministry for Labor, Family, and Social Affairs approved the country's first case of a child adoption by the lesbian partner of the child's biological mother. In late August the lobbying group Civil Initiative for the Family and the Rights of Children began collecting signatures for a referendum to overturn the Family Law, but an opposing lobby, The Initiative for All Children, for All Families, for Free Choice, and for Equal Rights filed a motion for a Constitutional Court review to block the referendum. The Constitutional Court decided in December in a 5-4 ruling to allow the referendum, scheduled for March 2012.

Other Societal Violence or Discrimination.—There were some reports of violence and discrimination against persons with HIV/AIDS. The NGOs DiH and Legebitra reported, among other cases, the situation of one individual whose job offer was rescinded when the prospective employer learned the applicant was HIV-positive, even though a panel of three physicians who knew of his HIV status approved the hiring.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows all workers, including police and military personnel, to form and join labor organizations of their choice without previous authorization or excessive requirements. The law provides for the right to strike without government interference and prohibits retaliation against strikers, and workers exercised this right in practice. However, the law also restricts the right of some public sector employees to strike, primarily the police and members of the military services, but provides for arbitration to ensure due process and protection of these workers' rights.

According to the law, unions and workers may conduct their activities without interference and bargain collectively. While collective bargaining was freely practiced, the law requires that 10 percent of the workers in an industry sector be union members before collective bargaining could be applied to the sector as a whole. Both gen-

eral collective bargaining agreements and collective bargaining agreements focusing on a specific business segment covered all workers.

There were few reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. However, there were reports that such practices occurred.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace, which the government effectively enforced.

The minimum age for employment is 15; however, younger rural children often worked during the harvest season and performed farm chores. The law limits working hours and sets occupational health and safety standards for children, which the government effectively enforced in practice. Urban employers generally respected the age limits.

d. Acceptable Conditions of Work.—The national monthly gross minimum wage was approximately 748 euros ($972). The official poverty line is set at 587 euros ($763) per month for a family of four.

The law limits the workweek to 40 hours and provides for minimum annual leave of 20 days and a mandatory rest period of at least one day per week. Collective agreements regulated premium pay for overtime but were not standardized. The law limits maximum overtime to eight hours per week, 20 hours per month, and 170 hours per year. The Ministry of Labor, Family, and Social Affairs is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating violations of the law. Authorities enforced the laws effectively, except in some cases involving migrant workers.

According to a complaint filed by the Association of Free Trade Unions of Slovenia (AFTUS) with the International Labor Organization (ILO) Committee of Experts, migrant workers were often orally instructed to perform forced and excessive overtime in violation of labor law provisions limiting overtime and specifying formal methods to request it. AFTUS also noted that foreign nationals in the country on employment permits were more vulnerable to exploitation in terms of overtime, wages, rest periods, and annual leave by virtue of being tied to the employer who provided the permit.

Migrants from Bosnia and Herzegovina, Serbia, and Montenegro working in construction were the most vulnerable group of workers. According to a 2010 ILO report, inspectors found numerous violations of the law with respect to migrant workers, especially in the construction industry, which employed approximately 50 percent of such workers. Violations included the practice of employers illegally trading foreign workers who were in the country based on employment permits. The ILO and AFTUS also raised concerns that some migrant workers, especially seasonal laborers, lived in substandard housing, segregated from the national population, and lacking minimum standards in violation of the law.

The law requires employers to provide social security payments for all workers. The Legal Aid Society reported that employers of migrant workers usually did not deduct social security from paychecks, leaving unknowing workers without a future pension or access to social services.

During the year the Labor Inspectorate reported finding 6,456 violations in 9,908 inspections, mostly in the construction (1,673), hospitality (1,058), and retail (937) sectors. The most frequent violation was nonpayment of wages. Special commissions under the Ministry of Health and the Ministry of Labor, Family and Social Affairs set standards for occupational health and safety for all workers. The ministry's Inspector General Department conducted more than 11,379 inspections in the first eight months of the year and took enforcement actions, including fining and prosecuting offenders, based on its findings. Information on the number of labor inspectors and on work-related deaths and accidents was not available at year's end.

On May 27 and June 4, the Invisible Workers of the World staged a demonstration for the rights of migrant workers because of what they dubbed Slovenia's unwillingness to take responsibility for their catastrophic situation.

On September 6, the Employment Service finalized a social security agreement with Bosnia-Herzegovina, making Bosnians in Slovenia and vice versa eligible for unemployment benefits in the country where they were laid off.

SPAIN

EXECUTIVE SUMMARY

The Kingdom of Spain is a parliamentary democracy headed by a constitutional monarch. The country has a bicameral parliament, the General Courts or National Assembly, consisting of the Congress of Deputies (lower house) and the Senate (upper house). The head of the largest political party or coalition usually was named to head the government as president of the Council of Ministers, the equivalent of prime minister. National elections held on November 20 were considered free and fair. Security forces reported to civilian authorities.

The most significant human rights problems during the year included limited access to asylum for undocumented migrants and credible reports that security forces were given arrest quotas for immigrants and used ethnic and racial profiling to achieve this goal. Gender-based violence against women and girls was also a problem.

Other problems included some reports that security forces abused suspects and used excessive force against demonstrators and prison overcrowding. Authorities at times delayed access by persons under arrest to legal assistance or to arraignment before a judge. Identification controls by security forces based on ethnic and racial classifications took place. Government corruption occurred, particularly at the provincial and municipal levels. Trafficking in persons and social discrimination against Muslims and other minorities were reported. Jewish groups reported isolated acts of vandalism and anti-Semitism.

The government generally took steps to prosecute officials, both in the security services and elsewhere in the government, who committed abuses. There were no reports of impunity.

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

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

As of September, authorities arrested 20 Basque Fatherland and Liberty ETA members as well as five persons allegedly involved in ETA's street violence campaign. In addition 26 members were arrested in France and one in another country. The Office of the General Prosecutor reported that during 2010 there were 54 trials of persons directly or indirectly related to ETA.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and laws prohibit such practices, and the government generally respected this prohibition. There were reports of police mistreatment, although some of them were dismissed by the courts.

The Coordinator for the Prevention of Torture (a group of Spanish human rights nongovernmental organizations [NGOs], universities, and bar associations) reported that in 2010 there were 251 reports of torture or mistreatment involving 552 complaints, down from 624 complaints in 2009. According to the group, 85 of the complaints involved cases against local police authorities, 79 against the national Civil Guard, 222 against the national police authorities, 52 against the Catalan regional police, 17 against the Basque police, and the remainder against prison staff. The regions with the highest number of complaints were Madrid (138), the Basque Country (132), Andalucia (68), Catalonia (67), and Valencia (43). The Catalan Department of Interior reported that only seven complaints of abuse or mistreatment were filed against Catalan regional police in 2010.

On October 13, a group of 56 protestors from the May 15 movement presented a lawsuit against Catalonia's minister of interior and other security officials for using force to break up a demonstration in Barcelona on May 27. Videos and photographs of the incident showed several police hitting male and female protestors with batons while they were sitting on the ground with their hands raised in the air. Lawyers for the protestors filed a complaint that the police "gravely" violated the protestors' fundamental rights. The operation resulted in 121 injuries, including 37 of police. In a report to the Catalan parliament on July 10, the regional ombudsman cited the police for using excessive force in attempting to disband the protestors. The ombudsman received 391 complaints against the police for their actions during the demonstrations. The report also faulted regional and city police for their failure to protect lawmakers from demonstrators who blocked the entrances to the Catalan parliament on June 15. In light of those events, the ombudsman proposed to create "mediation groups" to better equip the police to respond to protests without resorting to violence. The police maintained that their actions were a "proportionate and adequate" response, as some of the protestors had provoked the conflict.

Amnesty International (AI) also reported excessive use of force by police against demonstrators on August 4-5 in front of the Ministry of the Interior in Madrid and on August 17-18 in the Puerta del Sol Square, also in Madrid.

The AI annual report for 2011 criticized Spain for failing to investigate complaints of torture and mistreatment and for the preventive detention of foreigners. AI also criticized that authorities could hold suspects incommunicado for up 13 days if they are suspected of terrorist activities. The AI report stated that the number of police checks of immigrants based on racial consideration continued to grow.

Prison and Detention Center Conditions.—As of August, a total of 71,955 inmates were in prison. Overall, the Spanish prison system contained 44,669 cells, of which 1,120 housed three or more inmates. There were 67 prisons in the country. Approximately 8.7 percent of the prison population was female, the majority of whom were serving sentences for drug trafficking. There were 5,526 juveniles imprisoned during 2010, and an additional 10,527 were on probation. Prisoners had access to potable water, food, entertainment, sports facilities, and libraries. Prisoners and detainees had reasonable access to visitors and were permitted religious observance.

According to the 2010 report by the Coordinator for the Prevention of Torture, there were 552 complaints against security forces and jail functionaries for abuse of authority, 72 less than in 2009. The report indicated that in 2010 a total of five persons died while in police custody, 46 died in jail, and one minor died while in a detention center for youth.

On March 25, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its 2007 visit to Spain. At the time of the visit, 57,042 persons were incarcerated in Spain (excluding Catalonia) in prisons with an official total capacity of 39,893, creating an overall occupancy level of 143 percent. In Catalonia, where the regional government has jurisdiction of the penal system, the prison population was 9,363 in facilities with an official capacity of 6,600. The report noted that conditions of detention in National Police stations visited by the CPT varied considerably. While conditions were generally acceptable in many stations, cells in some stations lacked access to natural light and had poor artificial lighting and ventilation. At the Ville de Vallecas police station in Madrid, detainees were not provided mattresses at night. The CPT found conditions at the Puente de Vallecas police station in the Madrid area "totally unacceptable" due to an array of problems including "woefully inadequate" ventilation. Material conditions at Civil Guard establishments were generally satisfactory, although a number lacked access to natural light, had poor ventilation, and had small cells. Lack of access to natural light and ventilation were also observed at Mossos d'Esquadra detention facilities.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. The government generally investigated and monitored prison and detention center conditions.

Prisoners can file complaints regarding mistreatment with the national ombudsman, who investigates complaints but does not have authority to take corrective measures directly.

In July the Spanish Ombudsman, in its role of National Mechanism for the Prevention of Torture, issued a report recommending the closing of the detention centers for illegal foreign migrants at Algeciras and Malaga because they did not meet minimum conditions. Another recommendation was to fully investigate any reports of torture or mistreatment. The ombudsman requested that authorities discontinue the practice of holding juveniles incommunicado and allow detainees to have private meetings with the lawyers they have been assigned. The report also requested video surveillance and video recording devices in all detention centers "to prevent improper behavior." The ombudsman made more than 300 unannounced visits to police and Civil Guard detention centers, jails, centers for minors, and "foreigners' internment centers" used to hold undocumented migrants.

In February, the secretary general for penitentiary institutions announced that the government was scheduled to open 19 centers (jails, social insertions centers, and units for mothers) before the end of 2012.

The government generally permitted monitoring by independent nongovernmental observers, including the Coordinator for the Prevention of Torture and the CPT, in accordance with their standard modalities. On May 31, the CPT conducted a two-week periodic visit to Spain. As of year's end, the report on the CPT visit had not been publicly released.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the armed forces and Civil Guard, and the government generally has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. Police forces include the national police and the Civil Guard, both under the authority of the central government, as well as municipal police and police forces under the authority of the Catalan and the Basque Country regional governments. All police forces operated effectively, with isolated reports of corruption.

Arrest Procedures and Treatment While in Detention.—The law provides that police may apprehend suspects for probable cause or with a warrant based on sufficient evidence as determined by a judge. With certain exceptions, police may not hold a suspect for more than 72 hours without a hearing.

Detainees generally were promptly informed of the charges against them, and the courts released defendants on bail unless they believed the defendants might flee or be a threat to public safety. The law provides detainees the right to consult a lawyer. There were often lengthy delays, however, between the time a detained person first requested a lawyer and the time the lawyer arrived at the place of detention. In its March 25 report using 2007 information, the CPT noted that the detained persons it interviewed were only allowed to meet in private with a lawyer after they had made a formal statement to law enforcement officials. The state provided legal counsel to indigent detainees.

In certain rare instances involving acts of terrorism, the law allows authorities to detain persons for up to five days prior to arraignment with the authorization of a judge. In these cases a judge also may order incommunicado detention for the entire duration of police custody.

The law stipulates that suspects held incommunicado have the right to an attorney and medical care, but they are neither allowed to choose an attorney nor to see a physician of their choice. The court-appointed lawyer is present during police and judicial proceedings, but detainees do not have the right to confer in private with the lawyer.

On February 20, the Spanish Society for the International Human Rights Law submitted a report to the U.N. in which it requested the Spanish government to close detention centers for foreigners on the grounds they were "discriminatory and illegal." According to the association, abuses, mistreatment, and violations of human rights were committed in these centers. The association's report stated that "the conditions of the centers are worse than those existing in jails in most areas." The report asserted that detainees spent up to 60 days in rooms holding six or eight persons, without privacy and with deficient health conditions and were provided insufficient access to health care and social assistance. The report also alleged that detainees were not informed of their right to seek asylum or allowed to contact a judge or prosecutor, there were not enough interpreters, and lawyers had trouble gaining access to them. It also claimed there were cases of torture, mistreatment, and threats on the part of officials in charge of the centers.

During the year the government generally continued to implement preventive measures to safeguard the rights of detainees held incommunicado, including the application of protocols and continuous video surveillance in detention facilities and interrogation rooms.

Pretrial Detention.—As of August, there were 13,771 individuals in pretrial detention. Under the law, authorities may not detain suspects for more than two years before putting them on trial unless a judge authorizes a further delay, which may extend to four years. In practice pretrial detention was usually less than one year.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, and there is a nine-person jury system. Defendants have the right to be represented by an attorney (at government expense if indigent), confront witnesses, present witnesses on their behalf, and have access to government-held evidence. Defendants enjoy a presumption of innocence and the right to appeal.

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

Regional Human Rights Courts Decision.—During the year the European Court of Human Rights (ECHR) delivered nine judgments that found at least one violation by the state of its obligations under the European Convention on Human Rights. The government generally complied with the court's orders. Spanish case law also makes repeated references to ECHR's case law, and in some instances the govern-

ment implemented new procedures or legislation following an ECHR decision. In response to an ECHR decision against the state for unduly lengthy criminal proceedings, the government enacted a law in December 2010 that allows the undue length of a criminal proceeding to be cited as a mitigating circumstance that may reduce a sentence.

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary exists for civil matters, and there is access to a court to bring lawsuits seeking damages for a human rights violation. Violations of human rights can be pursued either criminally or, if committed by the state administration in other than a criminal offense, the complainant may pursue an administrative resolution. Persons may appeal court decisions involving alleged violations by the state of the European Convention on Human Rights to the ECHR once all avenues of appeal in Spanish courts have been exhausted. The national ombudsman also serves to protect and defend basic rights and public freedom on behalf of citizens.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech.—The law prohibits, subject to judicial oversight, actions including public speeches and the publication of documents that the government interprets as glorifying or supporting terrorism. During the year the Office of the General Prosecutor filed eight cases in the courts under this law.

The law provides that persons who provoke discrimination, hatred, or violence against groups or associations for racist, anti-Semitic, or other references to ideology, religion or belief, family status, membership within an ethnic group or race, national origin, sex, sexual orientation, illness, or disability, may be punished with imprisonment for one to three years.

Nongovernmental Impact.—Unlike in previous years, there were no reports of new ETA threats against journalists. However, Reporters without Borders reported in May that Spain was on the list of countries where freedom of speech was challenged because of the terrorist organization ETA, "which has not stopped harassing journalists, especially those living and working in the Basque Country."

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. Authorities monitored Web sites for material containing hate speech and advocating anti-Semitism. In March the Raxen report by the Movement against Intolerance estimated there are over 200 Spanish Web sites promoting hate on an international level, and even more on social networks, which especially affect the Spanish-speaking world. At year's end, the Barcelona court had several open investigations involving hate crimes on the Internet.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl//irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government generally cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations, including the Spanish Commission for Refugee Assistance, in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In 2010 there were 2,744 asylum applications in the country, of which 2,322 petitions were granted. Of these, 345 cases were

granted according to the Geneva Convention, and 350 cases received subsidiary protection. There were 15 individuals who received asylum for humanitarian reasons. The countries most represented by the petitioners were Cuba and Nigeria.

Potential asylum seekers were effectively able to exercise their right to petition authorities. In a 2010 report, however, the national ombudsman noted that complaints related to irregularities in the handling and reporting of some deportation cases had not declined significantly.

Saharawi applicants reported difficulties petitioning for political asylum. In these cases the National Court has argued that there was no evidence that "Moroccan authorities went after Saharawi in a systematic and generalized way because of their ethnic origin."

The Ministry of Foreign Affairs ran the Program for Assistance and Protection of Human Rights Defenders at Risk. Under this program, human rights defenders who faced persecution and death threats could move to the country for a period ranging from six months to two years, depending on the circumstances.

Safe Country of Origin/Transit.—Asylum seekers are not automatically rejected solely because of their country of origin. All asylum petitions are reviewed individually, and an established appeals process is available to petitioners.

Nonrefoulement.—In practice the government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Durable Solutions.—On October 7, the Council of Ministers approved the program for resettling up to 100 refugees in Spain in 2011. The country accepts refugees for resettlement from third countries and provides protections with the assistance of NGOs such as the Spanish Commission for Refugee Assistance.

Temporary Protection.—The law provides protection for up to three years for persons who do not meet the criteria for refugee status but face dangers such as torture or the death penalty if returned to their countries of origin. The law includes gender and sexual orientation as conditions for granting asylum, makes free legal assistance available to asylum seekers, provides a single process for both asylum and subsidiary protection (if asylum is denied, subsidiary protection is automatically considered), contemplates family reunification for asylum seekers, allows asylum requests to be accepted at an embassy or consulate, and provides for the resettlement of refugees in neighboring countries in some cases.

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

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

Elections and Political Participation.—Recent Elections.—National elections held on November 20 were considered free and fair.

Participation of Women and Minorities.—There were 131 women in the 350-seat Congress of Deputies, 91 women in the 261-seat Senate, and four women in the 13-member Council of Ministers.

The government did not keep statistics on the ethnic composition of the parliament, but linguistic and cultural minorities were represented. There were Muslim political parties in the city enclaves of Ceuta and Melilla in North Africa. The Roma had no elected representation in the government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

According to the Attorney General's Office, there were investigations into 730 cases of political corruption across the country, with the Spanish Socialist Workers' Party leading with 264 cases, followed by the People's Party with 200. Other cases came from smaller parties or, in 72 cases, from accused public officials without apparent political affiliation.

The constitution provides for an ombudsman who investigates claims of police abuse. In 2010 the national ombudsman filed 466 ex officio judicial complaints, an increase from 269 complaints in 2009. During 2010 the ombudsman's office processed 34,674 complaints, an increase from 22,287 complaints in 2009.

Public officials are subject to financial disclosure laws. The Ministry of Public Administration is responsible for managing and enforcing the Law of Conflicts of Inter-

est. The government also has a code of good governance that applies to all senior government officials.

The law mandates public access to government information, and the government generally granted access to citizens and noncitizens, including foreign media.

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

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

International Human Rights Bodies.—In November 2010 the Council of Ministers approved Belgian-Moroccan citizen Ali Aarrass's extradition to Morocco to face terrorism charges. The U.N. Human Rights Council (UNHRC) issued an interim request on November 26, asking that Spain not enforce the extradition until the UNHRC could make a further recommendation on whether the extradition would expose Aarrass to the risk of torture. On December 14, Aarrass was extradited to Morocco. Human Rights Watch and other NGOs criticized Spain's extradition of Aarrass.

Government Human Rights Bodies.—The national ombudsman serves to protect and defend basic rights and public freedom on behalf of citizens. The ombudsman was generally effective and had the public trust.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it effectively.

Women.—Rape and Domestic Violence.—The law prohibits rape, including spousal rape, and the government generally enforced the law effectively. It also prohibits violence against women, and independent media and government agencies generally paid close attention to gender violence.

According to the Observatory against Domestic and Gender Violence, 61 women, 21 of whom were foreign born, were killed by their partner or ex-partner during the year. The observatory noted that only a small number of the women killed had reported abuse prior to their death. During the year a survey by the Ministry of Equality found that 600,000 women reported being assaulted by their partners, although authorities registered only 130,000 domestic violence complaints during the year. The observatory cautioned that immigrant women and women over the age of 56 remained vulnerable groups to gender violence.

The law establishes prison sentences of six months to a year for domestic violence, threats of violence, or violations of restraining orders, with longer sentences if serious injuries result. According to 2011 statistics from the General Counsel of the Judicial Power, 80 percent of domestic violence cases resulted in a conviction.

In April parliament approved reforms that provide special protections for irregular migrant women who report domestic abuse, including the suspension of a woman's deportation proceedings, provisions to obtain a work permit, and additional protection measures for accompanying children.

More than 50 offices provided legal assistance to victims of domestic violence, and there were more than 454 shelters for battered women. A 24-hour toll-free national hotline advised battered women on finding shelter and other local assistance. As of October 2011, the hotline took calls in Spanish, French, German, Arabic, Bulgarian, Chinese, Portuguese, Romanian, and Russian. As of October 2010, there were 127 specialized courts dealing exclusively with domestic violence cases, an increase from 103 in 2009.

Female Genital Mutilation (FGM).—FGM is prohibited, and the law authorizes courts to prosecute cases even if the crime occurred overseas. Spain's first trial for FGM was successfully prosecuted in November in Teruel, Aragon. The court sentenced the father of a two-year-old girl to six years in prison and the mother to two years for mutilating their daughter when she was eight months old. The court ruling stated that the mutilation took place in Spain and the parents subjected their daughter to FGM because of their religious and cultural beliefs.

In Catalonia the law requires that a doctor examine immigrants considered to be in danger of FGM when they travel to and from their countries of origin. Parents whose children were determined to have been subjected to FGM risked losing custody. Catalan regional police had procedures to prevent FGM through the early detection of potential victims, immediate reporting of possible cases to appropriate authorities, and, when possible, preventing the travel of potential victims. During the year the Catalan police prevented the genital mutilation of 36 girls, compared with

28 in 2010. In Catalonia alone, at least 10,000 girls were at risk of FGM, according to a 2009 report by Autonomous University of Barcelona.

Sexual Harassment.—The law prohibits sexual harassment in the workplace; however, harassment was reported to be a problem.

Reproductive Rights.—Couples and individuals decide freely the number, spacing, and timing of their children and enjoy the information and means to do so free from discrimination, coercion, and violence. Obstetric and postpartum care is provided under the national health plan. Contraception is easily accessible, including emergency contraception, which is available without a doctor's prescription.

Discrimination.—Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The Women's Institute worked to ensure the legal rights of women, combat economic discrimination, and integrate women into the professional workplace. The unemployment rate for women (23.1 percent) continued to be higher than for men (22.8 percent). Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men. According to data from the National Statistics Institute, women in the country earned 22 percent less than men. Access to health care is a fundamental right under the constitution regardless of gender, and women had equal access to diagnosis and treatment of sexually transmitted infections, including HIV.

Children.—Birth Registration.—Citizenship is derived from one's parents. In rare cases when a child born in the country does not acquire his or her parents' nationality, the country will grant nationality.

Child Abuse.—According to the Ministry of Equality, approximately 800,000 children were victims of domestic violence, either as witnesses or as direct victims. During 2010 at least 16 children were killed by one of their parents.

As of September 2011, 67 unaccompanied minors were housed in approximately 12 local shelters on the Canary Islands. In previous years, NGOs raised concerns about overcrowding, mistreatment, and poor conditions at three emergency centers, which at one time housed over 1,000 unaccompanied minors predominately from Sub-Saharan Africa and Morocco. By June the three emergency centers, La Esperanza, Arinaga, and Tegueste, had closed due to a steep drop in new arrivals.

Sexual Exploitation of Children.—Trafficking of teenage girls for commercial sexual exploitation remained a problem. The minimum age for consensual sex in the country is 13. If deceit is used in gaining the consent of a minor under the age of 16, an individual can be charged upon parental complaint. The law specifically provides that an individual who, by use of deceit, commits sexual abuse against a person over the age of 13 but under 16 will be punished with imprisonment for one to two years or an equivalent fine. Nonconsensual sexual abuse is defined as sexual acts committed against persons under 13 years, unconscious persons, or mentally ill persons.

The law prohibits child pornography. The penal code criminalizes both using a minor "to prepare any type of pornographic material" and producing, selling, distributing, displaying, or facilitating the production, sale, dissemination, or exhibition, of "any type" of child pornography by "any means." Knowingly possessing child pornography is also penalized, carrying a potential prison sentence of up to one year. The penalty for the production, sale, or distribution of pornography in which a child under 18 years of age has been involved is imprisonment from one to four years or up to eight years if the child is under 13.

In October 2010 more than 100 persons were arrested or indicted in a nationwide raid carried out by more than 400 National Police officials against a child pornography ring. In total, security forces arrested over 200 persons for possessing and distributing child pornography.

Penalties for recruiting children or persons with disabilities into prostitution is imprisonment from one to five years (previously it was one to four years); if the child is under the age of 13, the term of imprisonment is four to six years. The same sentence applies to those who seek child prostitutes. The penalty for pimping children or persons with disabilities into prostitution is imprisonment from four to six years and, if the minor is under 13, the term of imprisonment is five to 10 years. The penalty for recruiting children or persons with disabilities for child pornography is one to five years' imprisonment; if the child is under the age of 13, imprisonment is five to nine years. In addition individuals who contact children under the age of 13 through the Internet for the purpose of sexual exploitation face imprisonment of one to three years.

The law criminalizes the "abuse and sexual attack of minors" under the age of 13. The penalty for sexual abuse and assault of children under the age of 13 is imprisonment from two to 15 years, depending on the nature of the crime.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—According to Jewish community leaders, while violence against members of the approximately 48,000-member Jewish community was rare, anti-Semitic incidents, including graffiti against Jewish institutions, continued.

On June 27, Barcelona's prosecutor for hate crimes and discrimination reported five cases of anti-Semitism in Catalonia in 2010. However, the report cautioned the majority of the hate crimes were unreported and the data was incomplete. The report faulted the National Police and Civil Guard for not collecting data and statistics on hate crimes. The five reported cases of anti-Semitism were based on data from Catalonia's autonomous police, the Mossos d'Esquadra, which implemented a protocol to collect hate crimes statistics in March 2010.

On March 31, the NGO Movement against Intolerance reported 4,000 racist incidents per year in the country, of which 400 were clearly anti-Semitic.

In November legal proceedings began against the head of the neo-Nazi political party Estado Nacional Europeo (National European State) and two collaborators for distributing materials that justified the Holocaust and for inciting hate, violence, and discrimination. Barcelona's hate crimes prosecutor sought a four-and-a-half year prison sentence against the party leader for inciting hate through a bimonthly magazine, Intemperie (Outdoor), and two-and-a-half year sentences for each collaborator. In addition to anti-Semitic writings, the group also wrote against homosexuals and immigrants. During his trial, the head of the party told the court, "it's not racism, it's hate."

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, access to information technology and communication, including social media, and the provision of other state services. The government generally enforced these provisions effectively. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions; however, levels of assistance and accessibility differed between regions. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities.

The law provides for fines of up to one million euros ($1.3 million) for discrimination against disabled persons.

On January 21, the State Federation of Deaf People expressed its regret that the Senate had allocated funds to interpret between Spanish official languages without considering allotting funds to hire sign language interpreters.

National/Racial/Ethnic Minorities.—There were instances of societal violence and discrimination against members of racial and ethnic minorities, and the government generally undertook efforts to combat the problem.

During 2010 the government-sponsored Network of Centers for Assisting Victims of Discrimination received 235 complaints of discrimination, of which 39 percent were from the African community, 20 percent from the Romani community, and 17 percent from the Latin American community. Of the complaints, 24 percent were related to discrimination based on unequal access to goods and services in both the public and private sectors, 22 percent were against security forces, and 17 percent were related to discrimination in the workplace. The 2010 Raxen Report by the Movement against Intolerance estimated that there are approximately 4,000 racially motivated crimes in the country each year as well as over 200 xenophobic Web sites. The Office of the Spanish Ombudsman reported 48 complaints of racism and xenophobia in 2010.

On March 10, the U.N. Committee for the Elimination of Racial Discrimination issued a report urging the country to "take effective measures to eradicate the identification controls based on ethnical and racial approaches," which can lead to unfair arrests. The committee urged Spain to review the police staff notice 1/2010 where arrest quotas of immigrants were included. According to the media, since 2008, the National Police have had orders to identify as many possible illegal immigrants in Madrid, with the objective of expelling them from the country. Four police unions have confirmed the reports both to the Office of the General Prosecutor and the ombudsman, stating that they were forced to arrest foreigners just because they look like foreigners and could be without papers. The Ministry of Interior had denied the existence of the controls.

According to the domestic NGO Fundacion Secretariado Gitano (FSG), Roma continued to face discrimination in access to employment, housing, and education. The Romani community, which the FSG estimated to number 650,000, experienced substantially higher rates of unemployment, poverty, and illiteracy than the general population. During the year the FSG reported 115 cases of discrimination against Roma, of which 30 percent involved discriminatory portrayals of Roma in the media and online.

On April 4-6, Thomas Hammarberg, the Council of Europe's commissioner for human rights, visited Madrid and met with the secretary general of social policy and consumption, Isabel Martinez Lozano. In his report on the visit, Hammarberg noted that the economic downturn had a disproportionally severe impact on Roma, whose rate of employment in 2009 declined by 35 percent, compared with a decline of 18 percent experienced by the general population, and may endanger improvements the country has achieved. He also noted that disproportionate numbers of Roma continued to live in segregated and substandard dwellings, with civil society reporting that 12 percent of Roma in the country lived in substandard housing and 4 percent lived in shantytowns. Hammarberg criticized "certain Spanish media" for propagating negative stereotypes about immigrants and Roma, associating them with "illegality, deviance, and lack of adaptation."

Politicians known for their hard-line stances against immigration gained ground following Catalonia's municipal elections in May. Xavier Garcia Albiol of the Popular Party of Catalonia became the new mayor of Badalona, a suburb of Barcelona that is the third largest city by population in Catalonia, in part due to his polemical views linking immigrants from Romania and other countries to crime and promising a tougher stance on illegal immigration. As a result of a 2010 campaign flyer linking immigrants to crime that stated "We don't want Roma," Albiol was charged with inciting racist hate. As of year's end, investigators were determining whether to send the case to trial.

In the May elections, the far-right, anti-immigrant Platform for Catalonia (PxC) increased its number of city council representatives in Catalonia from 17 to 67, but the party neither won any mayoral races nor earned a seat in the regional parliament. In November Juan Carlos Fuentes Linares, the PxC's former secretary general and city councilman in the town of Vic, was sentenced to one-and-a-half years in prison for inciting hate. The charges stemmed from anti-Muslim pamphlets that Fuentes Linares distributed in the 2007 election campaign. In the same trial, the court absolved PxC founder and president Josep Anglada of the same charges, citing insufficient evidence to prove that Anglada knew about the pamphlets.

On May 27, the government approved the disciplinary code of the armed forces, which calls for penalties for the use of any type of discriminatory or xenophobic expressions.

On November 4, the Council of Ministers approved the Integral Strategy against Racial Discrimination and Xenophobia. The strategy called for improvement in the gathering of statistical information from public institutions, strengthening of the cooperation between entities and institutions, and creation of prevention plans for vulnerable groups, including immigrants, refugees, unaccompanied minors, or those suffering discrimination because of their gender or religious beliefs. The strategy paid special attention to labor discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The lesbian, gay, bisexual, and transgender (LGBT) community was widely accepted throughout the country. LGBT organizations were numerous, and there were no reported impediments to their operation.

Other Societal Violence or Discrimination.—There were no reports of major societal violence or discrimination against persons with HIV/AIDS.

On September 2, Catalonia's Superior Court ordered the regional government to comply within two months with a 2010 Spanish Supreme Court ruling that Spanish become a vehicular language in Catalonia's public schools. As of year's end, the Catalan government had not complied with the ruling. Catalan president Artur Mas staunchly defended the current educational model and stated that Catalonia's language policy is a "red line" not to be crossed. Advocates of the Catalan immersion model cited studies showing that Catalan public school students performed as well as their counterparts in other parts of Spain on Spanish language proficiency tests.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers, including foreign and migrant workers, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers did so in practice. However, military personnel and national police forces

do not have the right to join unions, and judges, magistrates, and prosecutors are not free to join the union of their choice.

The law allows unions to conduct their activities without interference, and the government generally protected this right in practice. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. Any striking union must respect minimum service requirements negotiated with the respective employer. On occasion employers used the minimum service requirements to undermine planned strikes.

The law provides for collective bargaining, including for all workers in the public sector except military personnel, and it was freely practiced. Public sector collective bargaining includes salaries and employment levels, but the government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors, covering approximately 80 percent of the workforce as of 2011.

Employers frequently hired new employees under temporary work contracts. The International Trade Union Confederation (ITUC) stated that, although in theory workers on temporary contracts were covered by collective bargaining agreements, in practice more and more workers were individually negotiating directly with employers and managers and undermining the collective bargaining process. The ITUC further noted that 63 percent of temporary workers were immigrants.

The law prohibits discrimination by employers against trade union members and organizers; however, unions contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that children were trafficked for forced begging. Men were also trafficked for forced labor, mainly in agriculture and construction. Migrant women and children from Romania and Bulgaria remained particularly vulnerable to labor exploitation in agriculture and forced begging.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and these laws were generally enforced. However, there were reports that children were trafficked for forced begging.

The statutory minimum age for the employment of children is 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs has primary responsibility for enforcement of the minimum age law and enforced it effectively in major industries and the service sector. The ministry had difficulty enforcing the law on small farms and in family-owned businesses, where some child labor persisted. Laws prohibiting child labor were enforced effectively in the special economic zones. In 2010 the Ministry of Labor and Social Affairs detected 16 violations related to child labor, affecting a total of 22 minors.

d. Acceptable Conditions of Work.—The national minimum wage was 641.40 euros (approximately $834) per month. The Ministry of Labor and Social Affairs effectively enforced the minimum wage. The National Statistics Institute reported in October that 21.8 percent of the country's population lived below the poverty line. For a family of two adults and two children, the poverty level was set at 15,820 euros ($20,600) per year. The average income per household in 2010 was 24,890 euros ($32,400).

The law provides for a 40-hour workweek, with an unbroken rest period of 36 hours after each 40 hours worked. By law overtime is restricted to 80 hours per year unless collective bargaining establishes a different level. Premium pay is required for overtime.

The National Institute of Safety and Health in the Ministry of Labor and Social Affairs has technical responsibility for developing occupational safety and health standards, and the Inspectorate of Labor has responsibility for enforcing the law through inspections and judicial action when infractions are found. As of August, there were 1,704 labor inspectors in the country. Unions criticized the government for devoting insufficient resources to inspection and enforcement. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment. Authorities effectively enforced this right; however, employees with short-term labor contracts generally did not understand that they had such legal protections.

SWEDEN

EXECUTIVE SUMMARY

The Kingdom of Sweden is a constitutional monarchy with a freely elected multiparty parliamentary form of government. Legislative authority rests in the unicameral parliament (Riksdag). National elections in September 2010 were considered free and fair. Voters reelected the center-right coalition led by the Moderate Party as a minority government with Fredrik Reinfeldt as the prime minister. The king is the largely symbolic head of state. The prime minister is the head of government and exercises executive authority. Security forces reported to civilian authorities.

The main human rights abuses reported during the year included societal discrimination and some incidents of violence against members of ethnic and religious minorities, and abuse of women and children. While the criminal justice system operated effectively, authorities subjected a high percentage of pretrial detainees to extended periods in isolation and limited their access to visitors, mail, and exercise.

Other reported problems included use of excessive force by police, forced deportation of Iraqis and others to areas deemed unsafe, the trafficking of women and children, discrimination against persons with disabilities, and wage abuse of mainly foreign seasonal berry pickers.

Authorities generally prosecuted officials who committed abuses in the security services or elsewhere in the government.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that police used excessive force.

The national prosecutor's office for police cases received 5,373 reports of misconduct during the year. The reports covered all police employees, both officers and civilians, and involved incidents that occurred both on active service and outside of work. The majority of the incidents took place while the police employee was on duty, and of these 17 percent involved accusations that on-duty officers had used more violence than the situation required.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

Prisoners had access to potable water. There were no specific prison ombudsmen, but prisoner complaints were sent to and handled by the justice ombudsman. Authorities used alternatives to sentencing for nonviolent offenders, such as intensive supervision with electronic monitoring, conditional sentence, probation, and community service. During the year the government took a number of measures to improve prison conditions, including measures to decrease the rate of recidivism and a national effort to reduce the number of career criminals.

During the year up to November 30, seven persons committed suicide while in prison or a detention center.

According to the Prison and Probation Service, prison and detention centers were meant to hold a maximum of 6,957 prisoners and detainees. On November 1, the total number of prisoners and detainees was 6,771. In October 2010, the latest date for which data was available, there were 180 juvenile and 288 female prisoners.

Restrictive conditions for prisoners held in pretrial custody remained a problem. A new Act on Treatment of Persons Arrested or Remanded in Custody that went into force on April 1 includes the possibility of appealing a decision on specific restrictions to the Court of Appeals and ultimately to the Supreme Court.

According to the Swedish Prison and Probation Service, in July 2010 approximately 45 percent of pretrial detainees were subjected to extended isolation or to restrictions on mail delivery or exercise. Authorities stated they took this step when detainees' contact with people outside the detention center could risk destroying evidence or changing witnesses' statements, thereby imperiling an ongoing investigation.

Prisoners and detainees not under restrictions had reasonable access to visitors. All were permitted religious observance, and could submit complaints to several judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions.

The justice ombudsman, who worked independently from the government, could serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. In July the justice ombudsman set up a new unit to fulfill better its role as the National Preventive Mechanism as called for by the U.N. Optional Protocol to the Convention Against Torture. The justice ombudsman conducted five prison inspections during the year.

The government permitted monitoring by independent, nongovernmental observers. The national Red Cross and church associations may also visit prisoners, but may not monitor or inspect the prisons.

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

Role of the Police and Security Apparatus.—The national police and the national criminal police are responsible in practice for law enforcement and general order within the country. The Security Service is responsible for national security related to terrorism, extremism, and espionage. The armed forces, subordinate to the Ministry of Defense, are responsible for external security. The Ministry of Justice provides the funding and the letters of instruction for police activities, but it does not control how they perform their work. According to the constitution, all branches of the police are independent authorities. The chancellor of justice, who is a nonpolitical civil servant appointed by the government, acts as the government's ombudsman in the supervision of the police. In addition, the Security and Integrity Commission can review the work of the Security Service upon an individual's request and initiate its own investigations if it suspects that the Security Service has collected and used personal data wrongfully.

Civilian authorities maintained effective control over the national police and the Security Service, and government authorities had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—The law requires warrants issued by duly authorized officials for arrests, and the government generally respected this requirement in practice. Persons can be and are arrested without a warrant if they are caught committing a crime or if they are suspected of having committed a crime that is being investigated. A person who is believed to be drunk or under the influence of drugs and intends to drive any vehicle may also be arrested without a warrant. Police must file charges within six hours against persons detained for disturbing the public order or considered dangerous and within 12 hours against those detained on other grounds. Police may hold a person for questioning for six hours or up to a maximum of 12 hours if necessary for the investigation. After questioning, the level of suspicion determines whether an individual will be arrested or released. A court order is not needed to hold a person for as long as 12 hours. If a suspect is arrested, the prosecutor has 24 hours (or three days in exceptional circumstances) to request continued detention. An arrested suspect must be arraigned within 48 hours, and initial prosecution must begin within two weeks, unless extenuating circumstances exist. Authorities generally respected these requirements.

Although there is no system of bail, courts routinely released defendants pending trial unless they were considered dangerous or there was a risk that the suspect would leave the country. Detainees may retain a lawyer of their choice; in criminal cases the government is obligated to provide an attorney, regardless of the defendant's financial situation. Detainees are afforded prompt access to lawyers and to family members. A suspect has a right to legal representation when the prosecutor requests his detention beyond 24 hours (or three days in exceptional circumstances). Prompt access to family members was influenced by the type of crime the suspect was accused of committing. Sometimes a suspect was not allowed any contact with family members if police believed it could jeopardize an investigation.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are generally public. Juries are used only in cases involving freedom of the press or freedom of speech. In other cases judges or court-appointed civilian representatives make determinations of guilt or innocence. Cases of a sensitive nature, including those involving children, child molestation, rape, and na-

tional security, may be closed to the public. The court system distinguishes between civil and criminal cases. Defendants have the right to be present at their trials and to consult an attorney in a timely manner. In criminal cases the government is obligated to provide a defense attorney. A "free evidence" system allows parties to present in court any evidence, regardless of how it was acquired. Defendants can confront or question witnesses against them and/or present witnesses and evidence on their behalf and defendants and their attorneys have access to government-held evidence relevant to their cases. If convicted, defendants have the right of appeal.

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

Regional Human Rights Court Decisions.—The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR).

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Human rights cases are tried in the general court system. Citizens can appeal cases involving possible violations of the European Convention on Human Rights by the state to the ECHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

The National Defense Radio Establishment (FRA) may monitor international communications traffic with the prior approval of a special court. Under the law only government ministries and the armed forces may commission surveillance from the FRA. In 2010 courts issued 3,349 permits for wiretapping and camera surveillance, an increase of 51 percent from 2009. The courts denied 36 permits.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law criminalizes expression considered to be hate speech and prohibits threats or expressions of contempt for a group or member of a group based on race, color, national or ethnic origin, religious belief, or sexual orientation. Penalties for hate speech range from fines to a maximum of four years in prison.

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

In 2010 the European Commission filed a complaint against the government for not implementing a directive requiring communications providers to retain data specified in the directive for a period of between six months and two years. The center-right governing coalition agreed to retain the data for six months, but on March 16 parliament decided to postpone the implementation of the directive for at least 12 months.

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit.—In accordance with EU law, the government denied asylum to persons who had transited other EU countries or countries with

which it maintained reciprocal return agreements before arriving in Sweden. It deported such persons to those countries.

Nonrefoulement.—During the year the government forcibly repatriated 638 Iraqis, most frequently to Baghdad, pursuant to a repatriation agreement with Iraq. The U.N., through the UNHCR, and nongovernmental organizations such as Amnesty International criticized the government and the migration minister for the forced repatriations. Amnesty International also expressed concern over an increased rate of rejection of Uighur asylum seekers, mainly from China's Xinjiang Province. Asylum seekers can appeal rulings of the Migration Board to two special migration appeals courts. Unsuccessful asylum-seekers can and did appeal their cases to the ECHR.

Durable Solutions.—The government authorized financial repatriation support for asylum seekers denied residence in the country in the amount of 30,000 kronor ($4,360) per adult and 15,000 kronor ($2,180) per child, with a maximum of 75,000 kronor ($10,900) per family. During the year the government provided repatriation support to 923 persons, most of them of Iraqi origin. Beginning December 1, the government no longer authorized repatriation support for persons returning to Kosovo.

Temporary Protection.—During the year the Migration Board provided temporary protection to approximately 75 persons who did not qualify as refugees.

Stateless Persons.—Citizenship is derived from one's parents. According to UNHCR data there were 9,344 stateless persons in the country in January. The large number related to the influx of immigrants and the birth to stateless parents of children who remain stateless until either one parent acquires citizenship or a special application for citizenship for stateless children under the age of five is submitted and approved. The majority of stateless persons came from the Middle East (the Occupied Territories, Lebanon, Syria, and Iraq) and Somalia.

Once stateless persons are granted permanent residence, they can obtain citizenship through the same naturalization process as other permanent residents. Gaining citizenship generally requires four to eight years, depending on the individual's grounds for residency, ability to establish identity, and lack of a criminal record.

There is no legal discrimination against stateless persons in employment, education, housing, health services, marriage, birth registration, access to courts and judicial procedures, or owning land or property.

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

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

Elections and Political Participation.—Recent Elections.—National elections held in September 2010 were considered free and fair.

Participation of Women and Minorities.—Following the September 2010 elections there were 157 women among the 349 parliamentarians. There were 12 women in the 24-member cabinet.

No official statistics on minority representation in government were available because the law prohibits the government from holding information about the racial or ethnic background of its citizens. However, media reports stated that the number of immigrant parliamentarians increased in the September 2010 elections.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. A special unit in the prosecutor's office worked on cases involving corruption and initiated 26 investigations during the year, resulting in prosecutions of 35 persons. Public officials and political parties are subject to financial disclosure laws.

On June 21, authorities prosecuted a civil servant and an elected official for accepting payments from one of the companies involved in constructing a stadium. Their trial continued at year's end.

Public officials and political parties are subject to financial disclosure laws. The constitution and law provide for public access to government information, and the government generally granted access in practice to citizens and noncitizens, including foreign media. The public has the right of access to government documents unless they are subject to secrecy laws, according to which information may be withheld if its release poses a threat to national security or to individual or corporate privacy. The public had access to a mechanism to appeal such a withholding of information.

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

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

Government Human Rights Bodies.—At the national level, the country has seven ombudsmen: four justice ombudsmen, the chancellor of justice, the children's ombudsman, and the discrimination ombudsman with responsibility for ethnicity, gender, transsexual identity, religion, age, sexual orientation, and disabilities. There are normally ombudsmen down to the municipal level as well. The ombudsmen enjoyed the government's cooperation and operated without government or party interference. They had adequate resources and generally were considered effective. The children's ombudsman published a number of reports and publications for children and those working to protect children's rights. The discrimination ombudsman published material throughout the year to prevent discrimination. On February 17, a government statement clarified the mission of the discrimination ombudsman and reduced the processing time for reported cases.

Government officials often were cooperative and responsive to the views of the ombudsmen.

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

While the constitution and law prohibit discrimination based on race, gender, age, disability, language, social status, or sexual orientation, the government did not always effectively enforce these prohibitions.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal, and the government enforced the law effectively. The law stipulates more severe penalties for repeated crimes and for cases in which the perpetrator had a close relationship with the victim. Penalties range from two to 10 years in prison. The National Council for Crime Prevention (NCCP) reported 5,960 rapes during 2010, compared with 5,937 in 2009.

The NCCP reported approximately 27,300 cases of assault of women during 2010, the latest year for which data was available. Authorities apprehended and prosecuted abusers in most cases.

The law provides victims with protection from contact with their abusers. When necessary, authorities helped victims to protect their identities or to obtain new identities and homes. According to official statistics, approximately 12,000 persons, mostly women, were in these programs at the end of the year. Both national and local governments helped fund volunteer groups that provided shelter and other assistance for abused women, and both private and public organizations ran shelters and operated hotlines.

According to official figures for 2010, 27 percent of girls and women with a non-Swedish background, or approximately 100,000 persons in total, faced unreasonable restrictions from home that could be seen as honor-related. Honor-related violence exclusively involved immigrants from Muslim countries; police concentrated on educating police officers and prosecutors to increase their awareness of the problem and to improve its detection and prevention. In 2010 county administration boards used a grant of 36 million kronor ($5.2 million) from the Ministry for Integration and Gender Equality to work against honor-related restrictions. On July 28, the government, through the Ministry for Education and Research, announced a 9.6-million-kronor ($1.4 million) addition to the grant. At year's end there were no reports of the results of these programs.

Sexual Harassment.—The law prohibits sexual harassment, and the government generally enforced this law in practice. Employers who do not investigate and intervene against harassment at work may be liable for damages to the victim. There are no criminal penalties for harassment.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception, prenatal care, maternal health services including skilled attendance during childbirth, essential obstetric and postpartum care, and family planning practices.

Discrimination.—Women have the same legal rights as men in the judicial system, including rights under family law and property law. Some sectors of the labor market, including the financial sector and high-ranking positions in both in the public and private sectors, still showed significant gender disparities in terms of sala-

ries, especially in male-dominated occupations. Women's salaries averaged approximately 86 percent of men's.

The discrimination ombudsman investigated complaints of gender discrimination in the labor market. Complaints could be filed also with the courts or with the employer. Labor unions generally mediated in cases filed with the employer. There were 61discrimination complaints related to parental leave during the year.

Children.—Birth Registration.—Citizenship is derived from one's parents. Children born in the country, regardless of their parents' citizenship and status in the country, are registered in the tax authority's population register.

Child Abuse.—Child abuse was a problem. The NCCP reported 11,600 cases of abuse of children under the age of 15 during 2010, an increase of 4 percent compared to 2009. The NCCP reported 2,620 cases of rape of children under the age of 18 in 2010 compared with 1,911 reported cases in 2009.

The law prohibits parents or other caretakers from abusing children mentally or physically. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to police. The usual sentence for such an offense is a fine combined with counseling and monitoring by social workers. Authorities may remove children from their homes and place them in foster care.

Sexual Exploitation of Children.—The law criminalizes "contact with children under 15 for sexual purposes," including Internet contact intended to lead to sexual assault. Penalties range from fines to one year in prison. The minimum age for consensual sex is 15. The law prohibits child pornography; penalties range from fines to six years in prison.

Displaced Children.—The law prohibits the repatriation of foreign children if they lack proper documents to prove their identity and national origin. The migration board turned children arriving in the country alone over to social services in their municipality of residence, which appointed a legal guardian to assist them.

Institutionalized Children.—On February 10, a government report recommended compensation for a number of individuals who were subjects of severe abuse while in foster care from the 1920s to the 1980s. The investigation recommended high-level political apologies at a ceremony, the possibility to claim financial compensation, and measures to prevent similar abuse in the future. The issue was controversial among politicians and victims, but a ceremony was held on November 21, and eligible individuals will be able to apply for 250,000 kronor ($36,300) in financial compensation.

International Child Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—Leaders of the Jewish community estimated there were 20,000 Jews in the country. While the number of reported anti-Semitic crimes decreased from 250 to 161 from 2009 to 2010, government officials recognized that anti-Semitism was a problem in Sweden, especially in the city of Malmo. Anti-Semitic incidents included threats, verbal abuse, physical violence, vandalism, graffiti, and harassment in schools. These incidents were often associated with events in and actions of the Israeli government, and Swedish Jews were at times blamed for Israeli policies.

In December 2010 the Simon Wiesenthal Center issued a travel warning for Jews traveling in southern Sweden, because Jews in Malmo were "subject to anti-Semitic taunts and harassment." It also cited "the outrageous remarks of Malmo mayor Ilmar Reepalu, who blamed the Jewish community for failing to denounce Israel." In March the organization discussed the situation with local government officials and police in Malmo, but the discussions produced no results by year's end.

In August, at the government's request, the state-run Living History Forum published a report that found racist and xenophobic views increasingly were propagated over the Internet and in school textbooks. The report, compiled from previously collected research ranging back over a decade, also found that Jews and Muslims faced discrimination for outwardly professing their faith, and conspiracy theories targeted Jews for alleged attempts at global and financial domination.

As a response to the number of anti-Semitic incidents, a group of young Muslims in Malmo started, on their own initiative, a group called "Young Muslims against Anti-Semitism." The group has been touring schools in Muslim suburbs to address the issue. The leader of the group has been included on the National Raoul Wallenberg Committee that will highlight the centennial of the birth of Wallenberg in 2012. Representatives from the national unit to train police officers to detect hate crimes visited high schools to raise awareness of such crimes and to encourage more victims to report abuses. Information for victims of hate crimes was available in sev-

eral languages, and interpreters were provided to facilitate reporting. Police hate-crime units existed throughout the country.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip/.

Persons With Disabilities.—The law prohibits employers from discriminating against persons with physical, sensory, intellectual, and mental disabilities in hiring decisions and prohibits universities from discriminating against students with disabilities in making admission decisions. No other specific law prohibits discrimination against persons with disabilities. The discrimination ombudsman is responsible for protecting the rights of persons with disabilities.

The law on discrimination does not cover accessibility. Regulations for new buildings require full accessibility, and similar requirements exist for some, but not all, public facilities. However, many buildings and some means of public transportation remained inaccessible.

The number of reports of discrimination against persons with disabilities increased during the year. During the year there were 563reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. Most other cases involved lack of access to buildings used by the public, such as apartments, restaurants, and bars. Many cases were handled through mediation procedures rather than formal court hearings.

National/Racial/Ethnic Minorities.—The law recognizes Sami (formerly known as Lapps), Swedish Finns, Tornedalers, Roma, and Jews as national minorities. The law protected and the government supported minority languages.

Societal discrimination and violence against Arab and Somali immigrants and Roma continued to be a significant problem during the year.

Police registered reports of xenophobic crimes, some of which were related to neo-Nazi or white-power ideology. Police investigated and the district attorney's office prosecuted race-related crimes. Official estimates placed the number of active neo-Nazis and white supremacists at 1,500. Neo-Nazi groups operated legally, but courts have held that it is illegal to wear xenophobic symbols or racist paraphernalia or to display signs and banners with inflammatory symbols at rallies, since the law prohibits incitement of hatred against ethnic groups.

It was frequently difficult to determine whether hate crimes had ethnic or religious motives, but abuses directed at members of ethnic minorities from Muslim-majority countries officially were reported as being "anti-Islamic." Anti-Islamic behavior was aimed at both Arab and Somali immigrants. The NCCP hate crime report for 2010 counted 272 reported anti-Islamic hate crimes, or 49 percent of the total antireligious hate crimes. In 2009, 194 of the hate crimes reported were anti-Islamic crimes (33 percent of religion-related hate crimes), down from 272 in 2008.

The most frequent anti-Islamic crimes were crimes against persons, with 148 reported incidents in 2010, and 80 reported cases of agitation against an ethnic group. According to the report, 3 percent of anti-Islamic crimes were ideologically motivated.

The discrimination ombudsman received 694complaints regarding ethnic discrimination during the year.

The government estimated the Romani population at 50,000 persons. In 2010 a special delegation for Romani problems reported that a majority of Roma lived as outcasts, unemployment reached 80 percent, elementary education was rare, and a Rom's average life expectancy was significantly lower that the country's average. In 2010, 150 reported hate crimes were identified as anti-Romani. On September 9, the government announced a 46-million-kronor ($6.7 million) supplement to the 2012 budget aimed at improving the situation of Roma over a four-year period.

During the year the discrimination ombudsman handled five mediation and court cases involving Roma. The most common complaint was against landlords who refused to rent apartments to Roma. Conciliation with financial compensation to the Roma was the most common outcome.

Indigenous People.—Longstanding tensions between Sami and the government over land and natural resources persisted, as did tensions between Sami and private landowners over reindeer grazing rights. Certain Sami have grazing and fishing rights, depending on their tribal history. Sami continued to press the government for exclusive access to grazing and fishing.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—During the year there were isolated incidents of societal violence and discrimination against persons perceived to be gay. For 2010 the NCCP reported 801 hate crimes based on sexual orientation or gender identity: 770 con-

cerning gay, bisexual, or heterosexual persons; and 31 on the basis of gender identity.

Other Societal Violence or Discrimination.—There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law entitles all workers, including members of the armed forces and police, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. An estimated 75 percent of the five-million-person workforce belonged to trade unions. The law allows unions to conduct their activities without interference, and the government protected this right in practice.

The law also provides for the right to strike as well as for employers to organize and conduct lockouts; workers and employers exercised these rights in practice. Public sector employees enjoy the right to strike, subject to limitations in the collective agreements protecting the public's immediate health and security.

The law provides for collective bargaining, and workers exercised this right in practice. Approximately 80 percent of the workforce was covered by collective bargaining agreements. The law prohibits antiunion discrimination, and there were few reports it occurred during the year.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, including by children, and the government effectively enforced these laws. However, there were reports that children were in some cases forced to beg or commit petty theft. There were also reports of forced labor in agriculture, construction, and domestic households.

See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law permits full-time employment from the age of 16 under the supervision of local authorities. Employees under the age of 18 may work only during the daytime and under supervision. Children as young as 13 may work part time or perform light work with parental permission. The government, union representatives, police, and public prosecutors effectively implemented these laws and policies in practice and had adequate resources.

Children trafficked both internally and from outside the country continued to be subjected to forced begging and petty theft.

d. Acceptable Conditions of Work.—There is no national minimum wage law. Wages were set by annual collective bargaining agreements. Nonunion establishments generally observed these contracts as well.

The legal standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. The maximum allowable overtime per year is 200 hours. The amount of overtime compensation was normally regulated by the collective agreement; it varied by workplace and could also depend on whether the overtime occurred during the regular workweek, during a weekend, or on a bank holiday. Compensation for overtime could take the form of money or time off. The law requires a minimum period of 36 consecutive hours of rest, preferably on weekends, during a period of seven days. The law also provides employees with a minimum of five weeks' paid annual leave. The government effectively enforced these standards.

The Work Environment Authority, a government-appointed board, issued occupational health and safety regulations, and trained union stewards and safety ombudsmen whom government inspectors monitored. Safety ombudsmen have the authority to stop unsafe activity immediately and call in an inspector. These rules were effectively enforced.

Seasonal berry pickers, mainly from Asia, faced difficulties. By regulation, employers—whether foreign or domestic—must offer conditions of employment on par with the country's collective agreements, and the work must be on such a scale that the workers earn a minimum wage of 16,372 kronor ($2,377) a month. However, several problems occurred during the year, mostly due to the failure of foreign companies that provided foreign workers to Swedish companies to respect the conditions of employment. Foreign companies and labor recruiters that brought workers to Sweden for the berry harvest sometimes subjected the workers to harsh conditions of work, including seizing passports, withholding pay, and providing poor living and working conditions. In April the Migration Board decided that a foreign company providing berry pickers to Swedish companies must have a branch registered in

Sweden to guarantee the conditions of employment. The foreign labor broker must also show how it expects to pay workers in case of, for example, a bad berry season.

During the year there were 57 workplace fatalities, compared to 54 in 2010.

SWITZERLAND

EXECUTIVE SUMMARY

The Swiss Confederation is a constitutional republic with a federal structure. Legislative authority resides in a bicameral parliament (Federal Assembly), consisting of the 46-member Council of States and the 200-member National Council. Free and fair elections occurred at both the cantonal and federal levels on October 23 and December 14. Parliament elects the executive leadership (the seven-member Federal Council) every four years. The Federal Council is comprised of a coalition of five parties. There are 12 political parties represented in the federal government. Security forces reported to civilian authorities.

Lengthy detention and mistreatment of detained asylum seekers and societal discrimination against Romani and other minorities and immigrants occurred on occasion. Authorities used excessive force in connection with the deportation of asylum seekers, and police resorted to disproportionate force during arrests.

Other human rights problems included some overcrowded prisons, instances of hostility towards Muslims, anti-Semitic incidents, violence against women, trafficking in persons, and allegations of corrupt political practices.

The government took steps to prosecute/punish officials who committed abuses, whether in the security services or elsewhere in the government.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed any politically motivated killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, there were reports that individual police officers occasionally used excessive force.

In May 2010 the U.N. Committee against Torture (UNCAT) identified several cases of police misconduct involving the use of excessive force against foreigners, especially in asylum detention centers and during forced repatriations. The committee noted that only a minority of complaints of violence or mistreatment by the police resulted in prosecutions. In 2010 there were 62 registered complaints relating to malpractice or misuse of authority by the police; figures for 2011 complaints were unavailable. UNCAT recommended the government ensure that each canton created an independent entity empowered to investigate allegations of police violence.

Responding to UNCAT concerns, in June the government selected independent observers to begin monitoring deportations. On December 1, the National Commission for the Prevention of Torture (NCPT) issued its first report on deportation practices and offered a number of suggestions to improve procedures, including providing clearer information to prospective deportees, more frequent medical examinations, and better trained police units assigned to this sensitive work. Authorities also investigated and prosecuted a number of cases of alleged mistreatment by police officers.

During the year Amnesty International criticized degrading practices and the use of excessive force by police before and during forced repatriation. On February 24, the NCPT, established by the government in May 2010, issued its initial report. The commission found that mental health counseling for prisoners was insufficient, especially for individuals in solitary confinement, and noted that foreigners awaiting deportation often faced harsher treatment than other persons in pretrial custody.

On January 1, an amendment to the Foreign National Act that included a forced-return monitoring system entered into force. The government added the amendment to bring Switzerland in line with EU law. The U.N. Committee on Torture had earlier expressed concern that the Federal Act on Foreign Nationals might violate the principle of nonrefoulement.

On June 15, the Federal Office for Migration announced plans to allow independent observers to monitor repatriation flights. Special training for the observers continued, and five independent observers began their in-flight monitoring duties in August.

On July 7, police officials were recorded on videotape beating a Nigerian man being deported to Nigeria on a special deportation flight from Zurich airport. Police

claimed that the man resisted being carried aboard the plane and they were forced to subdue him. Authorities in the Canton of Zurich opened an investigation to determine if police used excessive force. On October 7, the investigation commission and the cantonal government concluded that the use of force was justified.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

According to the Swiss Federal Office for Statistics, from November 2009 to November 2010, 13 deaths occurred in Swiss confinement, seven of which were suicides and the remainder believed to be of natural or unintended causes.

There were 6,181 persons in prison or detention centers (31 percent were remanded for custody, 61 percent for convicted crimes, 6 percent under compulsory measures in accordance with the federal law on foreigners, and 2 percent for other reasons). Of the total, 347 were women (5.6 percent) and 39 were juveniles (0.6 percent). In 2010 there were 1,894 persons in pretrial detention and 371 awaiting deportation, 5.4 percent of whom were female. While some prisons and detention centers housed both male and female inmates, they were located in separate wards. Nevertheless, in some instances these facilities were inadequate. For example, the NCPT criticized the deportation center in Granges for lacking adequate facilities for woman and juveniles.

The occupancy rate of detention facilities was 92.5 percent during the year; still, prison overcrowding continued to be a serious problem in major urban areas, particularly in the French-speaking part of the country. In 2010 the occupancy rate of detention facilities in the French-speaking cantons was 104.8 percent, compared with an average 86 percent in the German-speaking region. Geneva's Champ-Dollon Prison was the country's most crowded prison. Designed for a maximum of 270 occupants, the prison housed up to 622 inmates during 2010. In 2011 the median occupancy was 420. According to independent observers, both guards and inmates were critical of the poor detention conditions.

According to statistics released by the Federal Department of Justice and Police in 2010, there were 34 minors under the age of 17 years in preventive detention. There were 514 prisoners between the ages of 18 and 24 years.

Prisoners and detainees had reasonable access to visitors and were permitted to observe and practice their respective religions. They could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. Authorities investigated such allegations. There was no ombudsman at the national level, but a number of cantons instituted cantonal ombudsmen and mediation bodies, which acted on behalf of prisoners and detainees to address the conditions and circumstances of their detention. Larger cantons and those with high population density were more likely to provide these services than smaller or more rural ones.

All prisoners had access to potable water. While conditions for women prisoners generally were comparable to those for men, there were exceptions. The NCPT visited the women's prison in Hindelbank in 2010 and strongly criticized detention conditions in the areas of solitary confinement, describing them as inhumane and unjustified from a legal and medical standpoint. Additional problems centered on the lack of sufficient space in some of the older wards. The penal code states that police authorities may detain young offenders only for a minimal period but does not explicitly state the length. In actuality, without an arraignment or arrest warrant, police were allowed to detain young offenders only for a maximum of 24 hours (48 hours during weekends). The law also requires that juvenile offenders be held in reform schools or separate wings of prisons where they can receive educational support; however, this was often not the case.

On July 24, prison officials opened a new wing at Geneva's Champ-Dollon Prison that could accommodate 100 additional prisoners. In the spring the government halted construction of new juvenile detention centers in the Canton of Zurich due to financial disputes.

The government permitted independent monitoring of prison conditions by local and international human rights groups, the media, and the International Committee of the Red Cross. In addition, the Council of Europe's Committee for the Prevention of Torture carried out one of its periodic visit to the country on October 10-20.

On February 18, the NCPT visited the Grosshof remand center in the Canton of Luzern. While generally satisfied with overall conditions, the inspectors noted in their February 24 report that there was insufficient space.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over security forces, which the cantons primarily organized and administered with federal coordination. The Federal Office of Police, in addition to performing coordination and analytical functions, can pursue its own investigations under the supervision of the attorney general in cases of organized crime, money laundering, and corruption. The government has effective mechanisms to investigate and punish abuse; however, in past years there were allegations of impunity.

Arrest Procedures and Treatment While in Detention.—By law criminal suspects must be apprehended on the basis of warrants issued by a duly authorized official unless police are responding to a specific and immediate danger. In most cases authorities may not hold a suspect longer than 24 hours before presenting him to a prosecutor or investigating magistrate, who must either bring formal charges or order the detainee's release. Asylum seekers and other foreigners without valid documents may be detained up to 96 hours without an arrest warrant. There is a functioning bail system, and courts granted release on personal recognizance or bail unless the magistrate believed the person charged to be dangerous or a flight risk. A suspect may be denied legal counsel at the time of detention and initial questioning but has the right to choose and contact an attorney before charges are brought. The state provides free legal assistance for indigents charged with crimes for which imprisonment would be a possible punishment. Access to family members may be restricted to prevent tampering with evidence, but law enforcement authorities are required to inform close relatives promptly of the detention.

Pretrial Detention.—In some cases lengthy pretrial detention was a problem. In 2010 approximately 30 percent of all prisoners were in pretrial detention. The country's highest court has ruled that pretrial detention must not exceed the length of the expected sentence for the crime for which a suspect is charged.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and the judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. Trials are public. Juries are used only in the most serious cases, including murder. Defendants have the right to be present and consult with an attorney in a timely manner, and an attorney is provided at public expense if a defendant faces serious criminal charges. Defendants have the right to confront or question witnesses and present witnesses and evidence. They have the right to appeal, ultimately to the highest court, the Federal Tribunal. Authorities generally respected these rights in practice and extended them to all citizens.

Civilians charged with revealing military secrets, such as classified military documents or classified military locations and installations, may be tried in military courts. There were no reports that any civilians were tried by a military court during the year.

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

Regional Human Rights Court Decisions.—Persons could apply to the European Court of Human Rights (ECHR) concerning alleged government violations of rights provided under the European Convention of Human Rights. The government complied with ECHR judgments. For example, on October 11, the ECHR provided a second judgment in the case of Emre v. Switzerland. Emre had filed a complaint regarding a prior decision by the federal court that prohibited him from reentering Swiss territory for 10 years. He argued that the court's decision to replace deportation for an indefinite period with a fixed-term measure was unjust. The ECHR found in Emre's favor, concluding that Emre's ban was an unnecessarily harsh measure, and ordered Swiss authorities to pay 5,000 euros ($6,500) in pecuniary damages.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Citizens have access to a court to bring lawsuits seeking damages for or cessation of a human rights violation. Persons who exhaust their right of appeal in domestic courts may apply to the ECHR for redress.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the government generally

respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech.—The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. There was one conviction during the year under this law. On April 27, the federal court confirmed a verdict against a politician for racial discrimination. The individual publicly called for the government to prohibit Muslims from becoming naturalized citizens. He was found guilty of violating the law on preventing racism and fined 5,400 Swiss francs ($6,100).

Freedom of Press.—According to federal law, it is a crime to publish information based on leaked "secret official discussions." A number of cases of violation of secrecy by the press were under investigation during the year; however, no sentences were handed down for such offenses by year's end.

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

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

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

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

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. As of December the number of individuals temporarily admitted from third countries was 23,310. Of these, 839 were granted asylum as refugees for more than seven years, 3,063 were granted asylum as refugees for less than seven years, 9,353 were temporarily admitted for more than seven years (without asylum status), and 10,055 were temporarily admitted for less than seven years (without asylum status).

Safe Country of Origin/Transit.—The Federal Office for Migration relied on a list of "safe countries," and would-be refugees who originated from or transited these countries generally were ineligible to apply for asylum. Nongovernmental organizations (NGOs) criticized the inclusion of some East European and African countries in the "safe countries" list because the countries were not sufficiently stable or suitable to justify automatic rejection of an asylum application.

Nonrefoulement.—In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom were threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. On January 26, the Federal Office for Migration began to evaluate on a case-by-case basis whether to repatriate individuals to/via Greece and began to refrain from doing so. An August 16 federal court order put a final halt to such repatriations.

Refugee Abuse.—The government required asylum applicants to provide documentation verifying their identity within 48 hours of completing their applications, and authorities refused to process the applications of asylum seekers who were unable to provide a credible justification for their lack of acceptable documents or show evidence of persecution. Authorities could detain uncooperative asylum seekers, subject to judicial review, for up to six months while adjudicating their applications. The government could also detain rejected applicants for up to three months to ensure their departure or up to 18 months if repatriation posed special obstacles. They could detain minors between the ages of 15 and 18 years for up to 12 months pending repatriation. Authorities generally instructed asylum seekers to leave voluntarily. In cases where they refused to depart voluntarily, they could be forcibly repatriated.

Amnesty International and other NGOs working with refugees continued to complain that detained asylum seekers often were effectively denied proper legal representation in deportation cases due to their lack of financial means to hire an attorney. Authorities provided free legal assistance only in cases of serious criminal offenses. The deportation of asylum seekers was deemed an administrative, rather than judicial, process.

On February 3, Amnesty International, together with several locally operated NGOs, organized a campaign to advocate for better general care for asylum seekers. The campaign ended October 20.

On August 31, press reports revealed that the Federal Office of Migration had willingly ignored processing up to 10,000 asylum requests from Iraqi citizens submitted to Swiss embassies in Egypt and Syria between 2006 and 2008. An independent investigation launched by the Ministry of Justice led to the dismissal of the director of the Federal Migration Office.

The 2010 passage of a referendum on the automatic expulsion of foreigners convicted of serious crimes had not been enacted into law by year's end, although a working group established in 2010 presented suggested language for a draft law for public consideration on June 28, with a first review by parliament scheduled for early 2012.

Temporary Protection.—By year's end the government provided temporary protection to 3,070 individuals, of whom 2,159 had not yet qualified as refugees.

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

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

Elections and Political Participation.—Recent Elections.—On October 23, voters elected a new Federal Assembly in free and fair elections. On December 14, the newly elected Federal Assembly elected the seven-member Federal Council.

Participation of Women and Minorities.—During the year there were 51 women in the 200-person National Council (House) and eight women in the 46-member Council of States (Senate). Three female federal councilors and one female federal chancellor were reelected during the December 14 elections for the Federal Council.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Prior to the October 23 parliamentary elections, the lack of federal campaign financing regulations was widely discussed by the media and international observers. The global NGO Transparency International concluded during the year that political party funding practices remained opaque. On July 14, the Group of States against Corruption of the Council of Europe (GRECO) also voiced concerns about the limited transparency of political party funding. The country has no legal framework governing the funding of political parties, which left space for government corruption or favoritism. While OSCE observers criticized blurred practices in party funding during the parliamentary elections, they cited no specific cases.

Members of the Federal Assembly must disclose their financial interests, professional activities, supervisory board or executive body memberships, and expert or consulting activities every year. Investigating and prosecuting government corruption is a federal responsibility. A majority of cantons also require members of cantonal parliaments to disclose their financial interests. A joint working group consisting of representatives of various federal government agencies operated under the leadership of the Federal Department of Foreign Affairs to combat corruption. In January the Swiss Federal Audit Office (SFAO) established an ombudsman office to provide government employees a safe and confidential avenue for reporting government corruption. Private individuals, as well as employees of the government, were able to submit personal or anonymous information in accordance with the Federal Personnel Act (in force since January) to report malfeasance.

The constitution requires the government to inform the public about its activities, and government information was available to all persons living in the country, including foreign media. A transparency law provides for public access to government documents.

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

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

Government Human Rights Bodies.—On May 5, the Federal Department of Foreign Affairs and the Federal Department of Justice and Police created a Swiss Competence Center for Human Rights (SCHR). The SCHR is a network of universities and human rights experts responsible for strengthening and supporting human rights capacities and bridging gaps between federal and cantonal authorities on human rights issues. The SCHR is organized on the basis of six themes: migration, police and justice, gender policy, child and youth policy, institutional issues, and human rights and business. It conducted training programs and offered continuing education on human rights best practices during the year. Since the SCHR only began functioning during the summer, a reliable assessment of its effectiveness or independence was not possible at year's end.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status. The government generally enforced these prohibitions effectively.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a statutory offense. The government effectively prosecuted those accused of such crimes. In 2011 there were 184 cases of rape recorded. In 2010 police recorded 543 instances of rape, compared with 666 in 2009. Police solved 80 percent of those cases.

Violence against women was a problem. In 2010 domestic violence claimed the lives of 19 women and seven men. Domestic violence is a statutory offense. A court may order an abusive spouse to leave the family home as a temporary measure. Stalking is also an offense. Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government agencies and NGOs or from nearly a dozen private or government-sponsored hotlines. There were 17 official women's shelters in 2010. Women's shelters experienced an average of 80 percent occupancy. The Interior Ministry's Federal Office for Equality between Women and Men employed a special unit that focused on domestic violence. Most cantonal police forces employed specially trained domestic violence units. A majority of cantons also had selected administrative units that coordinated the activities of law enforcement agencies, prosecutors, and victim assistance groups.

Forced marriage is illegal but reportedly occurred, mainly in less integrated immigrant families, making detection and prosecution difficult. Its extent was unknown.

Sexual Harassment.—The law prohibits sexual harassment and facilitates access to legal remedies for those who claim discrimination or harassment in the workplace; however, special legal protection against the dismissal of a claimant is only temporary. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages equal to as much as six months' salary.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning. There were no restrictions on access to contraceptives, and these measures were widely used. Compulsory basic health insurance covers the cost of routine examination during pregnancy and the costs related to childbirth. According to the Swiss Agency for Development and Cooperation, the maternal mortality rate in the country was five women per 100,000 live births in the country in 2010. Men and women received equal access to diagnosis and treatment for sexually transmitted diseases.

Discrimination.—Women enjoy the same rights as men under the constitution, including in family and property law, and in the judicial system. However, independent observers in 2010 claimed that some laws, as interpreted by the courts, were discriminatory. For example, the Federal Tribunal ruled that the primary wage earner in a divorce must retain sufficient income to remain above the poverty level. Since men were the primary wage earners in most marriages, a household income too low to support both parties could force the wife and children to resort to public assistance.

The Federal Office for Gender Equality and the Federal Commission on Women worked to eliminate both direct and indirect gender discrimination. Many cantons and some large cities had equality offices to handle gender issues.

Discrimination against women in the workplace is illegal, but women disproportionately held jobs with lower levels of responsibility. Women were promoted less frequently than men and were less likely to own or manage businesses.

Under the constitution women and men are entitled to equal pay for equal work. In 2010 the median monthly income for women was 5,040 Swiss francs ($5,662), while men earned 6,248 Swiss francs ($7,011). A study published by the Federal Statistics Office in October 2010 indicated that in 2008 women's gross salaries in the private sector were on average 19 percent lower than salaries for men. In the public sector, women earned on average 15.5 percent less than men for the same work. In 2009 the government initiated a five-year review of corporate salary structures aimed at eliminating the pay gap between men and women in the private sector.

Children.—Birth Registration.—Citizenship derives from one's parents, and citizenship may be derived from a single parent. Births are registered immediately, but there are no negative repercussions for delayed registration in cases of home delivery.

Child Abuse.—Child abuse was a problem. In 2010 there were 1,723 reported cases of sexual assault against children and 319 convictions. Most of the victims were girls under the age of 18, and most of the abuse took place in the family or the immediate social environment.

Other Harmful Traditional Practices.—Female genital mutilation (FGM) is illegal, but according to NGOs the practice reportedly occurred in limited numbers. On September 14, both chambers of the Federal Assembly adopted a proposal to file FGM under its own paragraph in the penal code, with FGM violations punishable by up to 10 years' imprisonment.

Sexual Exploitation of Children.—The production, possession, distribution, or downloading of pornography involving children from the Internet is illegal and carries fines or a maximum sentence of one year in prison. With limited exceptions, the law designates 16 as the minimum age of consensual sex. Consensual sex under the age of 16 is allowed in cases where one of the partners is not more than three years older than the other. The maximum penalty for statutory rape is imprisonment for 10 years.

The law does not expressly prohibit prostitution by 16- and 17-year-old minors under all circumstances, leaving these children potentially vulnerable to trafficking for commercial sexual exploitation.

On August 18, the government announced the revision of its penal code to establish a legal basis to punish men who engaged in sexual acts with underage prostitutes. The penal code revision entered into force before year's end.

Displaced Children.—During the year several NGOs expressed concern about reports of hundreds of unaccompanied foreign minors entering the country annually, claiming many disappeared from state care after arrival. Officials asserted that there had been only a few isolated cases of missing unaccompanied minors during the year. Statistics on this issue tended to be old or unreliable, with the last publicly released report issued in 2008. Nevertheless, several NGOs maintained that the problems in this regard were serious and that the care and registration of unaccompanied minors was insufficient.

International Parental Abductions.—The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—According to the 2000 census, the most recent official data available, there were 17,914 members of the Jewish community, which constituted 0.24 percent of the country's population. Based on 2010 polling, the largest Jewish communities were located in Zurich, Bern, and Geneva. In 2010 there were 104 anti-Semitic incidents in the western, French-speaking part of the country, five of which were considered serious offenses. The Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation (CICAD) and the Swiss Federation of Jewish Communities recorded 34 anti-Semitic incidents in the German and Italian portions of the country in 2010; data for the Romansh-speaking area was unavailable. The federation noted in its annual report that serious incidents, such as violent attacks against Jews and denials of the Holocaust, were rare.

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity.

On February 23, three young men attacked the local rabbi's assistant in Lausanne. The group approached the man and asked whether he was Jewish. When he answered, they verbally assaulted him as "dirty Jew" and physically assaulted him. Police arrested two of the attackers; the third was not charged as he was found to have not actively engaged in the attack. All three were minors, and the two arrested

individuals were charged according to the juvenile penal code. No information on their sentences was available.

On July 1, the rightwing extremist group Geneve Non Conforme distributed posters in Geneva showing a doll wearing a Kippah and an Israeli flag shot by an arrow, which caused considerable public outrage in Geneva.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas, and the government generally enforced the prohibition. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice.

The Federal Equal Opportunity Office for Persons with Disabilities promoted awareness of the law and respect for the rights of the disabled through counseling and financial support for projects to facilitate their integration in society and the labor market.

In October the Disabled Persons Federation criticized plans for new double-decker trains scheduled to start operations on interurban rail lines in 2013 for lack of handicap accessibility. The federation complained that entering the trains in a wheelchair was difficult, and the special cars for handicapped persons alienated them. According to the federation, the trains did not meet the standards as defined by the disabilities act. The federation appealed to the federal administrative court, where the case was pending at year's end.

National/Racial/Ethnic Minorities.—Right-wing extremists, including skinheads, who expressed hostility toward foreigners, ethnic and religious minorities, and immigrants continued to be publicly active. Police estimated that the number of extremists remained steady at approximately 1,200. Statistics gathered by the Foundation against Racism and Anti-Semitism indicated that there were a total of 178 incidents against foreigners or minorities reported in 2010, compared with 112 incidents recorded in 2009. These figures included instances of verbal and written attacks, which were much more frequent than physical assaults. Following the November 2010 adoption of the referendum on the automatic expulsion of foreigners convicted of serious crimes, left-wing protesters caused property damage at offices of the conservative Swiss People's Party (SVP). Authorities arrested some of the more violent protesters and charged them with willful property damage but released them the next day. On June 16, the Federal Commission against Racism released an analysis of incidents of ethnic discrimination in 2010 indicating that most were linked to sociopolitical events, such as the antiminaret referendum in 2009 or tensions in the country's relationship with Germany. Most victims were of Sub-Saharan African descent or from Central Europe, but many were Swiss citizens.

In 2010 a network of seven counseling centers, including the National Commission against Racism, recorded 230 cases of racial discrimination. For the first half of 2011, the Foundation against Racism and anti-Semitism documented 51 cases.

In December 2010 five men attacked a man of African descent on a tram in Basel. The perpetrators poured beer over the man and assaulted him verbally. As the victim tried to escape, the assailants punched him in the face. He suffered severe facial injuries, which required medical treatment. No arrests or investigations were reported by year's end.

During the year the four main groups actively spreading racist ideology and engaging in anti-Semitic rhetoric were Geneve Non Conforme, Europaeische Aktion, the Lega dei Ticinesi, and the Party of Nationally Oriented Swiss (PNOS).

On April 22, PNOS held its general meeting in Bern and announced its candidacy in the national elections. Party leaders adopted a platform to abolish naturalization and laws against racial discrimination. They also advocated for the country to withdraw from the U.N. International Convention on the Elimination of All Forms of Racial Discrimination.

On June 24, several dozen right-wing extremists held a festival in the Canton of Neuchatel, which was attended by extremists from the region and by the Artam Brotherhood from neighboring France. Press photos of the festival showed individuals performing the Nazi salute.

The government recognized the Jenisch as a minority group with approximately 35,000 residents in the country. A lack of proper camping facilities and transit areas reportedly forced many Jenisch to occupy land illegally. Between 2007 and 2011, the federal government allocated 750,000 Swiss francs ($840,000) for measures and projects to improve living conditions for the Jenisch.

In 2010 the Roma Foundation Zurich estimated that approximately 50,000 Roma resided in the country. In 2010 the Federal Commission against Racism expressed concern about increasingly hostile attitudes against Roma and urged the cantons and municipalities to create new campsites and parking areas to eliminate systemic discrimination against them. On October 14, the NGO humanrights.ch asserted that the situation for itinerant people had not improved and that the living situation for those without permanent residence had worsened within the past two years due to cantonal and national restrictions.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There were occasional reports of societal violence or discrimination based on opposition to lesbian, gay, bisexual or transgender (LGBT) orientation.

The law permits same-sex couples to have registered partnerships but does not allow them to adopt children. The ECHR has ruled that this constituted a violation of the European Convention on Human Rights.

FGBT children from immigrant families, particularly from the Balkans, Turkey, and the Middle East, suffered serious reprisals, such as exclusion from their families.

Representatives of LGBT organizations expressed grave concern that the country has no antidiscrimination law that applies to sexual orientation. In May the NGO Queeramnesty asked the government to create an official program to monitor violence against the LGBT community.

Other Societal Violence or Discrimination.—There were occasional reports of discrimination against persons with HIV/AIDS. According to the Swiss Aids Federation, 84 complaints were submitted during the year. Most concerned employment discrimination or other discrimination in the workspace. To combat harassment and unfair behavior, the Swiss Aids Federation launched a campaign in December to sensitize against such types of discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law permits all workers, including foreigners, to form and join independent unions of their choice without previous authorization or excessive requirements. The law also allows unions to conduct their activities, including the right to strike, without interference; the government protected this right, which workers exercised in practice. There are no specific laws against antiunion discrimination and employer interference. The law does not require employers to offer reinstatement to an employee found to have been dismissed unjustly.

Authorities effectively enforced laws protecting collective bargaining. However, collective bargaining agreements committed the social partners to maintain labor peace, thereby limiting the right to strike for the duration of the agreement, which generally lasts several years. The government may curtail the right of federal public servants to strike, but only for reasons of national security or to safeguard foreign policy interests. Public servants in some cantons and many municipalities were prohibited from going on strike. In practice employers at times unfairly dismissed trade unionists and used the legal system to limit legitimate trade union activities. Trade unions maintained that they had seen an increase in forms of repression against their employees. According to union sources, on two occasions union activists were beaten while carrying out union activities. In a July 8 incident, several trade union activists engaged in a demonstration against a local company. The interprofessional trade unionists, including a pregnant woman, were manhandled by private security in the wake of a press conference dealing with the closure of the company involved.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women were trafficked for domestic labor; many victims were forced to work in salons or clubs.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The government effectively enforced laws and policies to protect children from exploitation in the workplace; however, there were isolated reports of trafficking of children to beg and commit theft.

The minimum age for full-time employment is 15. Children ages 13 and 14 years may be employed in light duties for not more than nine hours per week during the school year and 15 hours at other times. Youth employment between the ages of 15 and 18 is also restricted; cantonal inspectors strictly regulated these provisions.

Children are not permitted to work on Sundays, under hazardous conditions, or at night.

The Economics Ministry monitored the implementation of child labor laws and policies, and cantonal labor inspectors were responsible for enforcement. Cantonal labor inspectors effectively inspected companies to determine whether there were violations of the child labor laws.

d. Acceptable Conditions of Work.—There is no national minimum wage. Only some work contracts, covering approximately 40 percent of Swiss wage earners, included minimum wages, resulting in relatively low average wages for workers and employees in the clothing, hospitality, and retail industries. A majority of the voluntary collective bargaining agreements, reached on a sector-by-sector basis, contained clauses on minimum compensation, ranging from 2,200 to 4,200 Swiss francs ($2,348 to $4,482) per month for unskilled workers and 2,800 to 5,300 Swiss francs ($2,988 to $5,656) per month for skilled employees. Official estimate of poverty income level were the following: 2,200 Swiss francs ($2,348) for a single person, 3,800 Swiss francs ($4,028) for a single parent with two children, and 4,800 Swiss Francs ($5,088) for a family (with two children). Numbers varied slightly from canton to canton since costs of living varied.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. Some professions such as taxi drivers or medical doctors are excluded. The law prescribes a rest period of 35 consecutive hours, plus an additional half-day per week. Premium pay for overtime must be at least 25 percent; overtime is generally restricted to two hours per day. Annual overtime is limited by law to 170 hours for those working 45 hours a week and 140 hours for those working 50 hours a week. The government effectively enforced these regulations.

The law contains extensive provisions to protect worker health and safety. The Economics Ministry and cantonal labor inspectorates effectively enforced the law. Work-related injuries in 2010 included 205,004 injured male workers and 61,835 female workers; statistics for 2011 were not available.

There were no special provisions or requirements for non-Swiss workers apart from their having to have a legal immigration status and a valid work permit. Once an individual obtained legal status, he could request a work permit.

Immigrants may work and have the same rights as other workers. Asylum seekers were usually not allowed to work within the first three months of their ongoing asylum process, but in exceptional cases they could work as self-employed workers as needed. However, individuals without legal status or work permits were not permitted to work.

TURKEY

EXECUTIVE SUMMARY

Turkey is a constitutional republic with a multiparty parliamentary system and a president with limited powers. In the June 12 parliamentary elections, considered generally free and fair, the Justice and Development Party (AKP) formed a parliamentary majority under Prime Minister Recep Tayyip Erdogan. Civilian authorities generally maintained effective control of the security forces.

The most significant human rights problems in the country during the year were:

1. *Deficiencies in effective access to justice:* Broad laws against terrorism and threats to the state, political pressure, and inadequacies in the judicial system limited access to justice, as did lengthy pretrial detention and lack of transparency in the prosecution of cases related to state security. The time lag between arrests and presentation of indictments; leaks of information, evidence, or statements; restricted defense access to evidence put forward by the prosecution; and the secrecy of the investigation orders also fueled concerns about the effectiveness of judicial protections for suspects. The close connection between prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases, while the broad authority granted to prosecutors and judges contributed to inconsistent and uncertain application of criminal laws. During the year the government adopted judicial reforms to speed up and improve judicial processes.

2. *Government interference with freedom of speech and press:* The penal code and antiterror law retain multiple articles that restrict press freedom and public speech on politically and culturally sensitive topics. The arrest and prosecution of journalists, writers, and Kurdish intellectuals and political activists, coupled with condemnatory speeches by political leaders, had a chilling effect on freedom of expression.

Politicians, including the prime minister, sued their critics for defamation at all levels. More than 100 journalists remained imprisoned at year's end, with most charged under antiterrorism laws or for connections to an illegal organization. Intellectuals, writers, journalists, and media outlets increasingly report practicing self-censorship to avoid prosecution, although the media continued to criticize government leaders and policies daily and in many cases adopted an adversarial role with respect to the government. The government and the courts limited access to a broad range of Web sites based on their content.

3. *Inadequate protection of vulnerable populations:* The government did not effectively protect vulnerable populations, including women, children, and lesbian, gay, bisexual, and transgender (LGBT) individuals, from societal abuse, discrimination, and violence. Violence against women, including so-called honor killings and rape, remained a particularly significant problem. Child marriage persisted.

Other significant human rights problems reported during the year included: Security forces committed unlawful killings. Demonstrations in the country's southeast and elsewhere related to the Kurdish issue, student's rights, and activities of the Higher Education Board (YOK) were marred by violence, and members of the security forces allegedly used excessive force. Prisons were overcrowded. Law enforcement officials did not always provide detainees immediate access to an attorney.

The government investigated reports of abuse by security forces and other government officials, but the number of arrests and prosecutions was low, and convictions remained rare. Impunity was a problem.

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

a. Arbitrary or Unlawful Deprivation of Life.—Neither the government nor its agents committed politically motivated killings; however, security forces killed some individuals during the year.

The domestic nongovernmental organization (NGO) Human Rights Foundation (HRF) alleged the police, military, and Jandarma, a paramilitary force under the joint control of the Ministry of Interior and the military and charged with policing rural areas, were responsible for 58 civilian deaths and 25 serious injuries during the year, primarily due to airstrikes or firearms. The HRF alleged that security forces caused the deaths of several persons during demonstrations.

Reports from the security forces (military, Turkish National Police (TNP), and Jandarma) indicated that approximately 31 civilians were killed and 53 were injured in armed clashes related to the struggle against the Kurdistan Workers' Party (PKK) terrorist organization in the first 10 months of the year. Approximately 220 members of the security forces were killed and 475 were injured, and 303 alleged terrorists were killed and five were injured in the first 10 months of the year. Most of the clashes between terrorists and security forces occurred in the Southeast. The number of civilian deaths and injuries rose from 2010, while the number of security forces' deaths and injuries more than doubled.

On December 28, military aircraft killed 34 civilians near the town of Uludere in an airstrike intended to kill members of the PKK. The government's investigation was underway at year's end.

On May 31, during an anti-AKP government demonstration around the pre-election visit of Prime Minister Erdogan to Hopa, retired teacher Metin Lokumcu died of a heart attack. The Turkish Medical Association subsequently declared his death was caused by tear gas used by security forces. Human Rights Watch (HRW) reported in its 2011 country summary that doctors also documented injuries on individuals who reported being beaten and ill-treated by police during the demonstration's dispersal and in detention. Some police officers also sustained injuries, at least one seriously. In September seven demonstrators were acquitted of spreading terrorist propaganda. Five demonstrators remained on trial before the Hopa Court of First Instance for participating in an unlawful demonstration, resisting police, and damaging public property. An additional 28 persons remained on trial before the Ankara 11th High Criminal Court under allegations of membership in an illegal organization because they protested the death of Lokumcu. Ministry of Interior inspectors recommended prosecution of the subprovincial Jandarma commander and police chief in connection with the incident. The investigation into police mistreatment continued at year's end.

There were continuing reports that security forces shot and killed civilians who refused to obey a warning to stop at checkpoints. The HRF reported that six persons died during the year specifically for refusing to stop, a decrease from the previous year. However, the Jandarma reported that there were no such deaths at checkpoints during the year.

On July 19, the Jandarma fired approximately 500 bullets at two teenagers walking to their village in Samsun, killing 16-year-old Gokhan Cetintas. The Samsun

deputy governor recommended the Ministry of Interior pay 21,683 lira ($11,730) as compensation to Cetintas's family. The unit commander was arrested but released until trial, which was pending at year's end. Human rights organizations continued to assert that the government's failure to clearly delineate in the law appropriate situations for the use of lethal force contributed to cases of disproportionate use of force. The Jandarma, however, reported that various laws and regulations define proportionate use and escalation of force and that security forces followed those rules.

In September the Court of Appeals overturned on procedural grounds the June 2010 conviction of 21 suspects in the death of Engin Ceber, who died of a brain hemorrhage in 2008, reportedly as a result of a beating by security forces during detention and later by prison officials. Four of the 21 officials had received life imprisonment, the first time that state officials were sentenced to life imprisonment for causing death through torture. The case was pending retrial in a local court at year's end.

On July 25, a juvenile court sentenced Ogun Samast to nearly 23 years in prison for the 2007 killing of prominent human rights activist Hrant Dink. In his final testimony to the court, Samast blamed certain newspapers and columnists for inciting him to commit the crime. Prosecution of Samast on other charges continued at year's end.

According to the Jandarma, land mines killed seven civilians and 27 security personnel during the year. The HRF said that land mines and unattended explosives killed four civilians and injured 22 during the year.

On several occasions throughout the year, the government used military aircraft to attack areas where the PKK terrorist organization was active in northern Iraq. According to press reports, fire from Turkish aircraft killed seven civilians in Iraq on August 21.

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

There was a lack of progress on investigating previous cases of disappearances. The U.N. Office of the High Commissioner on Human Rights' Working Group on Enforced and Involuntary Disappearances 2010 annual report stated that the country still had 61 unresolved disappearance cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, but there were reports that some government officials employed them. The government pursued efforts to ensure compliance with legal safeguards to prevent torture and mistreatment through its ongoing campaign of "zero tolerance" for torture.

Human rights organizations continued to report cases of torture and abuse, especially while the alleged victim was in police custody but not in a place of detention, during demonstrations, and transfer to prison. They alleged that torture and abuse largely occurred outside of detention centers in more informal venues where it was harder to document.

Courts investigated allegations of abuse and torture by security forces during the year but rarely convicted or punished offenders. Authorities typically allowed officers accused of abuse to remain on duty during their trial.

On October 12, students from primary and high schools in Mardin protested against violence at school. The Human Rights Association (HRA) reported the police intervened in the protest, hustled 19 students into an abandoned minefield, beat the juveniles, and took them into police custody. The Mardin deputy governor informed the HRA that due to the incident one police officer was given a 16 months' suspension per the police organization statutes for "acting and behaving in a way that affected the respect and trust required by his official title during his service." Human rights groups complained about the lack of a criminal investigation of torture in this case.

The Council of Europe's Committee for the Prevention of Torture (CPT) on its fifth periodic visit to the country reported a continued downward trend in both the incidence and the severity of mistreatment by law enforcement officials. It also reported credible allegations of recent physical mistreatment mainly related to excessive use of force during apprehension. In response to the report, authorities issued a circular to all central and provincial police units, emphasizing the need to avoid mistreatment and excessive use of force.

In its October progress report, the EU Commission reported that security forces frequently initiated counterclaims for resisting arrest against people who alleged torture or mistreatment and that such cases were often given priority in courts. Domestic human rights organizations agreed and claimed this practice deterred victims of abuse from filing complaints.

On July 16, Fevziye Cengiz was taken into police custody because she did not have her identification card while at a nightclub with her husband in Izmir. Police took her into custody as her husband went to get her identification from the car. Cengiz filed a complaint with the Izmir Chief State Prosecutor's Office claiming abuse while in custody. The officers subsequently filed a complaint against Cengiz, and in September prosecutors charged her with "injuring and insulting a civil servant" and sought a sentence of up to six-and-a-half years in prison. On November 28, prosecutors charged the two police officers with "using excessive force" and requested a sentence of six to 18 months. Cengiz's lawyers and human rights groups criticized the indictment, noting the police officers should be charged with torture and mistreatment. In December an official tape of her arrest was released to the media showing Cengiz being beaten and slapped by two police officers while handcuffed. After public outrage, the Izmir Governorship requested a Ministry of Interior investigation. The three police officers were reassigned to other positions and remained with the Izmir police. The case continued at year's end.

The HRF received 419 new allegations of incidents of torture during the first 10 months of the year. Of these incidents, 187 allegedly occurred in the first 10 months of the year while 232 took place prior to 2011. A number of human rights observers claimed that only some detainees reported torture and abuse because many feared retaliation or believed that complaining was futile.

The TNP reported that, in line with the government's "zero tolerance for torture" policy, it installed digital audio and video systems in 15 detention centers and testimony rooms during the year, bringing the total up to 63 out of more than 2,000 detention centers and testimony rooms.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses such as speaking out against the government, although they were less likely to report abuse. They also noted that gay men and transvestites were subject to abuse and harassment by police on "moral" grounds.

Human rights organizations documented cases of prison guards beating inmates. During the year three wardens and a prison director at Kalkandere Prison in Rize were arrested for beating and mistreating inmates. The trial was ongoing at year's end.

On August 24, according to the HRF, an inmate filed a criminal complaint against officials at the Tekirdag prison in connection with the alleged June 2010 beating of three inmates for singing "human dignity will overcome torture." As of year's end, authorities had not opened an investigation. After the complaint was filed, the three inmates were each allegedly given more than a month of solitary confinement.

Prison and Detention Center Conditions.—Prison facilities remained inadequate, although conditions generally improved during the year. Overcrowding and underfunding were the major problems.

The HRF reported 27 deaths of prison inmates and four deaths in detention through October. The Ministry of Justice reported that, as of October 25, 225 inmates had died in prison: 198 of natural causes, 26 by suicide, and one killed by fellow inmates. The Turkish General Staff (TGS) reported there were no deaths of detainees or convicts in military prisons during the year.

As of October 31, the Ministry of Justice reported the country had 371 prisons with a designed capacity of 116,043 holding a total of 127,074 inmates, including 36,429 in pretrial detention, 17,484 convicted and awaiting appeal, and 73,161 convicted. As of October 31, 3,768 inmates in pretrial detention were facing terrorism-related charges. The TGS reported 25 military prisons with a capacity of 5,300 were holding a total of 850 prisoners, 694 of whom were arrestees with trials in progress.

The CPT expressed serious concern about the inadequate provision of health care to prisoners and a dramatic shortage of doctors in prisons. According to the Civil Society in the Penal Punishment System Association (CISST), during the year the government made an improvement by attaching prison doctors to the Ministry of Health. The CISST reported that 240 arrestees or convicts were denied access to proper health services during the year, particularly those with paralysis or cancer, and called for them to be released or provided with hospital services in prison.

Foreigners who claimed asylum after being detained by security forces were held in "guest houses for foreigners" operated by the Foreigners' Department of the TNP. The CPT delegation found major shortcomings in the detention centers for immigration detainees, including severe overcrowding, dilapidated conditions, and limited access to natural light and exercise. They reported few allegations of abuse by security officials at the detention centers.

Detainees and convicts occasionally were held together. Inmates convicted of nonviolent, speech-related offenses were sometimes held in high-security prisons.

In July 2010 the government amended the antiterror laws to prohibit prosecution of minors under the laws, reduce punishments for unlawful demonstrations and meetings, and allow for the release of minors who had previously been tried and convicted under the laws. The Ministry of Justice reported that in 2010, 1,023 children received convictions and 857 received acquittals under various articles of the penal code, the Antiterror Law, and the Law on Demonstrations.

As of October 31, there were 2,231 children in prison, including 1,825 in pretrial detention. Human rights activists noted that children, particularly girls, were not fully separated from adults in all adult prisons. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to see a judge once a month. Authorities at times investigated credible allegations of inhumane conditions but generally did not document the results of such investigations in a publicly accessible manner.

The parliament's Human Rights Investigation Commission (HRIC) reported open authorization to visit and observe military prisons. The HRIC visited two civilian prisons and one military prison during the year. The government permitted prison visits by representatives of some international and domestic human rights organizations, although access remained difficult to obtain.

The CPT visited PKK leader Abdullah Ocalan in Imrali Prison in January 2010. The CPT's report on the visit stated the conditions of imprisonment for Ocalan had improved compared with 2007. Ocalan's lawyers and family members last had access to him in July.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention. However, the government at times did not observe these prohibitions in practice.

Role of the Police and Security Apparatus.—The TNP, under the control of the Ministry of Interior, is responsible for security in large urban areas. The Jandarma is responsible for specific border sectors where smuggling is common, although the military has overall responsibility for border control.

A civil defense force known as the village guards, concentrated in the Southeast, was less professional and disciplined than other security forces. The village guards had been accused in past years of drug trafficking, corruption, theft, rape, and other abuses. Impunity remained a problem. During the year the government reduced the number of village guards to 45,081 from 47,854.

The TNP and Jandarma received specialized training in areas including human rights and counterterrorism. Thousands of security personnel received human rights training as part of their ongoing training during the year. According to the government, the military emphasized human rights in training for both regular and noncommissioned officers. A total of at least 32 hours of human rights training was given to Jandarma officers, noncommissioned officers, and cadets during basic training courses. Each year the TNP provides training on human rights to one-fifth of all personnel. During the year the Public Order and Security Undersecretariat published a text on human rights and the fight against terrorism, providing instruction on compliance with the European Court of Human Rights (ECHR) jurisprudence, to be utilized in the Jandarma and TNP training courses.

A total of 48 Jandarma personnel were dismissed during the year. The TNP reported that, as of October 25, 133 judicial or administrative investigations had been opened against TNP personnel for excessive use of force. One investigation resulted in a short-term block on promotions. Investigations were dropped in 95 incidents because there was "no need to punish" or prosecute. Investigations continued in 37 incidents at year's end.

Arrest Procedures and Treatment While in Detention.—Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. Suspects must be told of the charges against them within 24 hours. A suspect cannot, under the law, be held arbitrarily or secretly. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, for crimes requiring punishments of up to three years. For more serious crimes, however, the judge decides either to release the defendant on his or her own recognizance or hold the suspect in custody prior to trial completion if there are specific facts which justify the suspicion that the suspect will flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. In practice judges often decided to keep suspects in detention when it did not appear necessary for the public interest, and the decision was often not clearly justified.

The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law also requires that

the government provide indigent detainees with a public attorney in criminal cases where the defendant requests an attorney. In cases where the potential sentence is greater than five years, or where the defendant is a child or is disabled, a defense attorney is appointed even without the defense request. Detainees were generally allowed prompt access to family members. However, human rights organizations reported difficulties in helping families find out whether a relative had been detained because the government refused to release such information to the organizations or the families.

Private attorneys and human rights monitors reported irregular implementation of these laws, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees continued to vary widely across the country.

Human rights observers noted that in most cases where a defendant could not afford an attorney, one was provided. However, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and interrogated by security forces. The HRA claimed that police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention.

By law, police and Jandarma may compel citizens to declare their identities without any cause.

Arbitrary Arrest.—During the year police routinely detained demonstrators for a few hours at a time. Police detained more than 1,000 members of the pro-Kurdish Peace and Democracy Party (BDP) on various occasions. Police also continued to detain and harass members of human rights organizations, media personnel, and human rights monitors, and to detain people on suspicion of "membership in an illegal organization" and for "promoting terrorist propaganda."

In October 2010 the government began the trial of 153 persons, including several elected mayors, political party officials, and a human rights activist in Diyarbakir. The defendants were charged in a 7,578-page indictment with disrupting the integrity of the state; being members and/or administrators of the Kurdistan Communities Union (KCK), the umbrella political organization of the PKK; and assisting and sheltering a terrorist organization, among other charges. HRW stated that the case raised concerns about the right of individuals to participate in political activities. The defendants' request to defend themselves in Kurdish instead of Turkish was denied by the court, which called Kurdish an "unknown language."

The BDP reported that, from the time the anti-KCK operation and investigations began in 2009 until October 2011, police detained a total of 7,748 persons and, of these, arrested 3,895. The BDP also reported that between April and September alone, police detained 4,149 persons, arresting 1,548.

Pretrial Detention.—At the end of 2010, a new provision of the criminal procedure code came into effect that limited to 10 years the maximum length of time a person could be held for organized crime and terrorism-related offenses, and limited to five years the maximum length of time a person could be held for other offenses, including three one-year extensions. Lengthy detention before a verdict was generally a problem. Judges have ordered that some suspects be held for long periods or even indefinitely without trial but with the right to come before a judge each month. The Ministry of Justice reported that criminal cases averaged 384 days for completion. The Ministry of Justice also reported that, out of a total of 127,074 individuals imprisoned, 36,429 were in pretrial detention, 17,484 had been convicted and awaited appeal, and 73,161 had been convicted and were serving their sentences.

The Council of Europe commissioner for human rights' 2011 report Administration of Justice and Protection of Human Rights in Turkey stated that in most cases judges failed to sufficiently reason their decision to extend detention in custody, state the exact grounds for suspicion in their decision, or evaluate specific evidence regarding the risk of absconding or interfering with the course of justice. The report noted that judges rarely accepted any dissenting grounds from the defense and that decisions to extend detention appeared almost automatic, with judges approving most requests without a detailed case file examination.

Throughout the year prosecutors in Istanbul continued to arrest and indict prominent military, business, and media personalities on charges of plotting to foment unrest and topple the elected government as members of an alleged network known as "Ergenekon." More than 250 persons were indicted by year's end. Some opposition politicians, members of the press, and critics of the government considered many of the indictments to be politically motivated. According to journalists associations, 16 of those imprisoned in connection with the Ergenekon case were journalists. Most of the defendants were held in pretrial detention. Dozens of defendants have been held for long periods, a common practice in the country, although some

were released pending trial during the year. Since the investigation began in 2007, there have been no convictions in the case, and trials continued at year's end.

On December 16, the first session of a trial of 195 suspects in the alleged "Sledgehammer" coup plan began. The suspects, who included active duty military generals and civilians, were accused of obstructing the government and plotting to overthrow it. Most remained in pretrial detention. Some observers saw this trial as politically motivated, while others saw it as bringing to justice those who attempted to overthrow the government. Since the investigation began in 2010, there have been no convictions in this case, and the trials continued at year's end.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. However, the judiciary was occasionally subject to outside influence. The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power.

The High Council of Judges and Prosecutors (HSYK) selects judges and prosecutors for the country's courts and is responsible for court oversight. The constitution provides tenure for judges, but the HSYK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands.

Critics asserted that the government used its influence among judges and prosecutors to ensure the election of handpicked candidates to the HSYK and contended the president, a former member of the ruling party, would be likely to select progovernment candidates as well.

The close connection between public prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges studied together before being assigned by the HSYK. Once appointed they were often housed together, frequently shared the same office space, and often worked in the same courtroom for many years.

The associations also noted that public defense attorneys undergo less rigorous training than their prosecutorial counterparts and are not required to take an examination to demonstrate a minimum level of expertise.

Constitutional amendments adopted in 2010 allow individuals to apply directly to the Constitutional Court for redress starting in September 2012. Previously, only the lower courts, the president, and under certain conditions, members of parliament could apply to the court.

The constitution provides for the trial of military personnel in civilian courts if their alleged crime was committed against the state, constitutional order, or the functioning of constitutional order. The constitution also provides for civilian judicial review of decisions of the Supreme Military Council.

According to an Amnesty International report during the year, criminal defendants faced protracted and unfair trials, especially for violations of antiterror laws. The report also asserted that convictions under antiterror laws were often based on unsubstantiated or unreliable evidence.

Trial Procedures.—Defendants enjoy a presumption of innocence. Courtroom proceedings are public for all cases except those involving minors as defendants. Court files, which contain the indictment, case summaries, judgments, and other court pleadings are closed to everyone other than the parties to a case, making it difficult to obtain information on the progress or results of court cases. There is no jury system, and a judge or a panel of judges decides all cases. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and, within limits, present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy the right to appeal, although appeals generally took several years to conclude.

International human rights organizations and the European Commission's October progress report stated the courtroom structure and rules of criminal procedure give an unfair advantage to the prosecution. Prosecutors enter the courtroom through the same door as the judge; defense attorneys enter through a separate door. Prosecutors sit at an elevated desk at the same level as that of the judge; the defense sits at floor level.

Defendants sometimes waited several years for their trials to begin. Subsequently, trials often last several years. Proceedings against security officials often were delayed because officials did not submit statements promptly or attend trials. In spring 2011, the government adopted judicial reform packages intended to speed up and improve judicial processes.

While the law prohibits the use in court of evidence obtained by torture, prosecutors in some instances failed to pursue torture allegations, forcing defendants to initiate a separate legal case to determine whether the inclusion of evidence was lawful. Human rights organizations reported that, in such instances, the primary case

frequently was concluded before the secondary case was decided, leading to unjust convictions.

Political Prisoners and Detainees.—The HRA asserted that several thousand political prisoners from all parts of the political spectrum existed, although the government did not distinguish them as such. The government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations.

According to the Ministry of Justice, as of October 31, 3,884 suspects were in pretrial detention, 3,768 convicted, and 365 convicted and awaiting appeals on terrorism-related charges.

Regional Human Rights Court Decisions.—Article 90 of the constitution states that "in the case of a conflict between international agreements in the area of fundamental rights and freedoms... the provisions of international agreements shall prevail." Individuals may appeal alleged violations of human rights by the state to the ECHR after all avenues for a remedy in the domestic legal system have been exhausted. The country's courts are subject to the jurisdiction of the ECHR, whose decisions bear the force of law and take precedence over case decisions from the Court of Appeals or Constitutional Court.

According to the European Commission's October progress report, Turkey has abided by the majority of ECHR rulings but has not followed up some rulings for several years. These included decisions related to depriving defendants of liberty for several years without due process of law; repetitive prosecution and conviction of conscientious objectors; as well as other issues related to controlling the activities of security forces, effective remedies against abuse, restrictions on freedom of expression, and excessive length of pretrial detention.

During the year the Ministry of Justice created a new human rights office to facilitate implementation of the country's obligations under the ECHR.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm suffered, including for alleged human rights violations. Individuals should be able to apply directly to the Constitutional Court for redress starting September 12, 2012.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution protects the "secrecy of private life" and states that people have the right to demand protection and correction of their personal information and data.

The law allows for telephone tapping with a court order. Only the country's telecommunication agency is authorized to tap telephones, and only when presented with a court order directed against alleged drug traffickers, organized crime members, and terrorists. There were occasional complaints by individuals and public figures, including higher court members and politicians, that their telephones were illegally tapped without a court order.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—International and domestic human rights organizations noted particular concern with an overly broad definition of terrorism under the antiterror law and the disproportionate use of the antiterror law against journalists and writers. They also emphasized that the penal code contains multiple articles that directly restrict press freedom and free speech, including provisions on praising a crime or criminal, inciting the population to enmity or hatred and denigration, and protecting the public order; providing protection of the confidentiality of investigations; attempting to influence the judiciary; insulting the Turkish nation, the republic, and organs and institutions of the state; and discouraging individuals from doing their military service. Committing some of these acts through the press or other publications is also considered an aggravating circumstance and increases the punishment by half. The press law and the law on the protection of Ataturk are also used to restrict freedom of expression.

Freedom of Speech.—Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by people sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued in the public sphere, particularly on problems relating to political Islam, Kurds, and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. However, many who wrote or spoke on such topics risked investigation, although there were fewer such cases than in previous years.

Article 301 of the penal code criminalizes insults to the Turkish nation, but use of this article continued to decrease. According to the Ministry of Justice, the minister received 305 complaints concerning Article 301 during the year and rejected 297 of them. The minister gave permission for the remaining eight cases to proceed.

Throughout the year, police and the judiciary increased pressure on members of the BDP. Human rights activists and party officials claimed that authorities were continuing to prosecute more than 4,000 cases against Kurdish politicians at year's end. Most members were investigated and prosecuted for alleged ties to the KCK, or for making statements critical of the government or in support of the PKK or its leader, Abdullah Ocalan.

Diyarbakir mayor Osman Baydemir continued to face multiple administrative, civil, and criminal charges and investigations for use of the Kurdish language, spreading terrorist propaganda, and promoting terrorism. During the year prosecutors opened 13 new investigations or cases against Baydemir. Most of the cases involved Baydemir's expression of his political views or speaking Kurdish at public events. During the year he received at least two acquittals and four convictions but he remained in his position as mayor. Many cases and appeals were pending at year's end. For example, in February the Ankara 10th Civil Court of First Instance ordered Baydemir to pay 30,000 lira ($16,800) in compensation to Prime Minister Erdogan for a 2009 statement that "We tell the ones who divide us into hawks and doves to go to hell," which the court decided constituted an attack on Erdogan's "personal rights." The appeal was pending at year's end.

The provision of legal interpretation services is limited to situations where a defendant does not have sufficient command of Turkish to defend himself or herself or where the defendant or victim is disabled. In December 2010 a Diyarbakir court rejected a request by 17 defendants to defend themselves in Kurdish while they stood trial for supporting of terrorism after returning from Iraq in 2009. However, a Sanliurfa court the same month allowed defendants to defend themselves in Kurdish. Inconsistent court decisions regarding the use of languages other than Turkish were prevalent throughout the country.

Freedom of Press.—The country had active privately owned print media. Hundreds of private newspapers spanning the political spectrum appeared in numerous languages, including Kurdish, Armenian, Arabic, English, and Farsi. However, authorities routinely censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source. According to the TNP, authorities confiscated 70 books and periodicals, 28 of them within the framework of the antiterror law.

The Turkish Radio and Television Corporation is a government-funded semi-autonomous body. The High Board of Radio and Television (RTUK) registered and licensed a large number of privately owned television and radio stations which operated at local, regional, and national levels. In addition, privately owned television channels operated on cable networks, and the RTUK granted 11 television and radio enterprises broadcast permits necessary for operation. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests. The concentration of media ownership influenced the content of reporting and limited the scope of debate.

In addition to Turkish, the RTUK allowed radio and television stations to broadcast in Arabic, Armenian, Assyrian, Bosnian, Circassian, Laz, and Kurdish (both the Kurmanci and Zaza dialects) during the year.

Violence and Harassment.—Prosecutors continued to bring dozens of cases against writers, journalists, and political figures under various laws that restrict media freedom. Authorities at times also ordered raids on newspaper offices, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the government. On December 20, Reporters without Borders noted operations that "flout the right to the confidentiality of sources" of journalists and insisted that Turkish authorities "must stop trying to criminalize journalism, including politically committed journalism." The independent news entity BIANET reported that, at the end of the year, there were 104 imprisoned journalists, most in pretrial detention, 17 of whom were editors in chief. They also reported the imprisonment of 30 distributors. Most of these journalists were charged under antiterror laws. Observers reported government officials and state bureaucrats made statements throughout the year that appeared intended to influence the independence of the media.

According to media reports, as of year's end more than 5,000 cases were pending against journalists for breaching the confidentiality of criminal investigations or attempting to influence judicial bodies, including many related to the Ergenekon investigation.

During the year ideologically motivated attorneys and prosecutors filed numerous civil and criminal complaints against authors and publishers.

In March the Court of Appeals sentenced Nobel Laureate Orhan Pamuk to pay 6,000 lira ($3,200) in nonpecuniary damages to six persons for "violation of one's personality" by having said in a Swiss publication in 2005, "We have killed 30,000 Kurds and one million Armenians." The Court of Appeals insisted that one's personality included such concepts as "professional identity, honor, dignity, race, religion and nationality, as well as feelings of belonging to a nation."

On March 2, the Court of Appeals overturned the 2010 decision of a lower court to sentence Vedat Kursun, former editor in chief of the Kurdish-language newspaper Azadiya Welat, to 166 years in prison for membership in a terrorist organization and violating antiterror laws in connection with 102 articles he had written in 2007 and 2008 and ordered a rehearing. In June the Diyarbakir Fifth Heavy Penal Court sentenced him to 10 years and six months' imprisonment. The appeal was pending at year's end.

On March 10, an Istanbul Heavy Penal Court sentenced writer Nur Mehmet Guler to 15 months' imprisonment and publisher Ragip Zarakolu to a 16,000 lira ($9,000) fine for contributing to the "propaganda of an illegal terrorist organization" under the antiterror law for a book entitled the KCK File. The case was pending appeal at year's end. On September 30, a case was opened against Zarakolu for publishing another book about the Kurdish issue. The case continued at year's end. Separately, in November Zarakolu was arrested and imprisoned in conjunction with the KCK book case.

On December 28, an Ankara court continued the case against publisher and writer Temel Demirer for a statement he made after the 2007 Dink killing that "Hrant Dink was not killed for being Armenian but for recognizing the genocide." The case continued at year's end.

On September 9, an Istanbul court accepted an indictment against journalists Nedim Sener and Ahmet Sik and 12 other persons for supporting a terrorist network accused of plotting a coup related to the Ergenekon trial. The indictment sought 15 years' imprisonment. On January 23, the Istanbul 16th Heavy Penal Court rejected the motion for Sener and Sik to be released from prison until the completion of the trial. During the year Sener and Sik were charged in other cases for crimes such as "influencing the judiciary" or "violating the confidentiality of an investigation" and acquitted..

Censorship or Content Restrictions.—Printing houses were required to submit books and periodicals to prosecutors at the time they were published. The TPA reported that publishers often avoided works with controversial content in order to stay out of court. It also reported that the prohibition and recall of books remained a concern. Several publications were recalled pending a final court decision during the year.

During the year authorities continued to file numerous cases against publications under antiterror laws. The HRF reported that the laws contain an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. The Istanbul Heavy Penal Court Number 12 ruled to stop the publication of the daily Kurdish Azadiya Welat newspaper for 15 days beginning June 13, and ordered the confiscation of the June 12 issue, based on alleged terrorist organization propaganda. At least 10 Azadiya Welat journalists were also imprisoned on terrorism-related charges by the end of the year. The Istanbul Heavy Penal Court Number 14, on July 8 decreed a one-month ban on the Ozgur Gelecek newspaper for an interview in its July 8-21 issue with a regional commander of the TKP/ML-TIKKO, which the government considers a terrorist organization.

Writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. According to the TPA, authorities investigated or continued court cases against dozens of publications and publishers during the year.

On December 13, an Istanbul penal court held the third hearing of a November 30 indictment of the Metis Publishing House and seven defendants for publishing a 2010 Illallah (I've Had Enough) calendar allegedly ridiculing religious values. The calendar includes quotes from intellectuals such as George Bernard Shaw, Umberto Eco, Fyodor Dostoyevski, James Joyce, Albert Einstein, Bertrand Russell, and Galileo Galilei. The case was ongoing at year's end.

Human rights activists and the media reported that authors increasingly practiced self-censorship to avoid prosecution. Observers also reported that, with the

consolidation of media outlets into a few media conglomerates with other business interests, media entities increasingly practiced self-censorship in order for such conglomerates to remain eligible for government contracts. Journalists reported media outlets went as far as firing some individuals for being too controversial or adversarial with the government over fears of jeopardizing other business interests.

Libel Laws/National Security.—Observers reported that government officials used defamation laws to stop political opponents from voicing criticism, particularly during the June 12 parliamentary election campaign.

Publishing Restrictions.—Media activists reported the Ministry of Culture sometimes denied approval of a barcode required for all publications as a means of censorship.

Internet Freedom.—The government maintained extensive restrictions on Internet access. The Internet law allows the government to prohibit a Web site if there is sufficient suspicion that the site is committing any of eight crimes: insulting Ataturk; engaging in obscenity, prostitution, or gambling; or encouraging suicide, sexual abuse of children, drug abuse, or provision of substances dangerous to health. Upon receiving a complaint or as a result of personal observations, a prosecutor may request that a judge prohibit access to the offending site or, in an urgent situation, the Telecommunication Internet Presidency (TIB) may prohibit access while the complaint is examined. In either case, a judge must rule on the matter within 24 hours. Following a judicial decision to uphold the complaint, the Internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure access is restored. ISP administrators may face a penalty ranging from six months' to two years' imprisonment for failing to comply with a judicial order. The law also allows people who believe a Web site violates their personal rights to request the TIB to order the ISP to remove the offensive content. The antiterror law and other sections of the penal code were also used to block Web sites.

There were no official figures on the number of blocked Web sites. However, Engelliweb, an NGO working on Internet freedom issues, reported that, as of December 31, authorities had blocked 15,595 Web sites, more than doubling the number reported in 2010. The Information Technologies Institute (BTK) reported 81 percent of the sites that were blocked contained pornography.

On September 21 an Ankara Heavy Penal Court ruled to bar access to 16 Kurdish-related Web sites, including welat.org and firatnews.org, as well as Kurdish video and radio Web sites, such as medciwan.com.

In 2010 the TIB banned Playboy magazine's Web site without a court order, based on "a legal evaluation" of the Internet law on obscenity. The ban remained in force at year's end.

The BTK reported there were 25,850 Internet cafes in the country. Internet cafes were primarily used by young people. Under the Internet law, mass use providers, including Internet cafes, can only operate if they are granted an official activity certificate obtained from a local authority representing the central administration. The providers are required to deploy and use filtering tools approved by TIB. Providers who operate without official permission face administrative fines. As of December Internet activists reported that more than one million Web sites were blocked in Internet cafes in the country. The Web sites for many mainstream LGBT organizations were among those blocked, including the Kaos GL news portal.

Additional Internet restrictions were applied in government and university buildings. On September 21, parliamentarian Aylin Nazliaka submitted a parliamentary question to the prime minister challenging blocked access to the LGBT sites of Kaos GL and Lambda Istanbul from Internet stations at the parliament building. Both organizations were on the "black list" of forbidden sites issued by TIB.

In August, after significant public and international protest against a mandatory filter, the government revised a plan to introduce a regulation of the principles and procedures for safe usage of the Internet. In November the BTK implemented a nonmandatory filter, with two voluntary options, for "child" and "family." Civil society organizations continued to criticize the program, both for the government's involvement in deciding what is appropriate for family or child use on the Internet, and a lack of transparency into the criteria used to block sites. The Alternative Information Association opened a case at the State Council against the new regulation stating the BTK was not entitled to make such a decision.

Government authorities on occasion accessed Internet user records to "protect national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the "highest administrative authority" before taking such action and generally did so in practice.

Academic Freedom and Cultural Events.—Government restrictions on freedom of speech at times limited academic freedom and cultural events. Some academics and event organizers stated they practiced self-censorship on sensitive topics. Human rights and students groups continued to criticize constraints placed on universities by law and by the actions of YOK that limits the autonomy of universities in staffing, teaching, and research policies and practice.

In August the government issued a decree with the force of law that changed the process of appointment to the Turkish Academy of Sciences (TUBA). Previously, TUBA members reviewed and elected all new scientists to join as members. With the new decree, TUBA members will elect one-third of the members, YOK will assign one-third of the members, and the Cabinet of Ministers will assign one-third of the members. Leading academics and scientists criticized the change as a politicization of scientific endeavors that will eliminate scientific autonomy and undermine scientific standards. Half of the 138 TUBA members resigned in protest.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly. However, the government required significant prior notification for gatherings and in some cases restricted meetings to designated sites.

The HRF reported that security forces killed six persons during demonstrations, an increase from the previous year. There were reports that police beat, abused, or harassed demonstrators during the year. The HRF reported that police detained 1,916 and arrested 293 persons involved in demonstrations during the year. The detentions varied in length from several hours to several days. HRW criticized the arbitrary use of terrorism laws to restrict freedom of expression and assembly and to punish demonstrators as though they were armed militants.

Human rights organizations reported that arrests of students involved in peaceful political protests discouraged students from some political activities. On October 6, an Istanbul court decided to try on release (similar to release on their own recognizance) Ferhat Tuzer and Berna Yilmaz, after 17 months of pretrial detention stemming from charges of "membership in an illegal organization." The two had opened a banner during a speech of Prime Minister Erdogan at a Romani meeting in Istanbul in March 2010 that read, "We want free education and we will get it." The case continued at year's end.

Public events in March celebrating the Nevruz holiday were generally peaceful. The European Commission's October progress report noted that demonstrations in the southeast of the country and in other provinces related to the Kurdish issue, student's rights, the activities of YOK, and trade union rights were marred by violence, including incidents of the use of excessive force by security forces.

A number of symbolic public events took place on April 24 to commemorate events relating to the Armenian issue and the tragic events of 1915. The gatherings were peaceful and received police protection where necessary.

Freedom of Association.—While the law provides for freedom of association, the government maintained several restrictions on this right in practice.

Under the law people organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this placed an undue burden on their operations.

According to the Third Sector Foundation of Turkey, an advocacy NGO, the criteria for NGOs to obtain public benefit status entitling them to certain tax exemptions were restrictive and complicated. Applications for public benefit status must be approved by the Council of Ministers. The law does not allow applicants to appeal if their petitions are rejected.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, at times the government limited these rights in practice. The government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other people of concern. While the country signed the 1951 U.N. Refugee Convention and its 1967 protocol, the government ratified the protocol with a geographic limitation acknowledging refugees only from Europe. While most asylum seekers are thus not considered refugees under Turkish law, the government grants temporary asylum to UNHCR-recognized refugees. Refugees

were assigned to satellite cities where they received services from and were the responsibility of provincial governorates. They needed permission from local authorities to travel to Istanbul or Ankara, including for meetings with the UNHCR or resettlement agencies.

In-country Movement.—The constitution provides that only a judge may limit the freedom to travel, and only in connection with a criminal investigation or prosecution. The government maintained roadway checkpoints in the southeast, where it maintained a heavy security presence, but it reduced their number substantially compared with 2010.

At times the terrorist PKK blocked roads, set up checkpoints, and kidnapped civilians and government authorities in southeastern provinces. In one such example in September, a group of armed PKK terrorists in the province of Siirt randomly stopped vehicles and subsequently kidnapped and killed Abdullah Ozturk.

The government assigns asylum seekers and UNHCR-recognized refugees in Turkey to one of more than 50 cities and to the responsibility of the respective provincial authorities. Restrictions on moving from that city have economic as well as social consequences as local officials have significant discretion in working with refugees and NGOs, and their response varied widely.

Asylum seekers are requested to register with Turkish authorities to legalize their temporary stay in the country. The UNCHR reported that, as there is no local integration prospect for refugees in Turkey and voluntary repatriation is currently not the best alternative solution for the present caseload, resettlement is often the only available solution for individuals in need of an immediate durable solution. A refugee accepted by a third country for resettlement needs to obtain exit permission before leaving Turkey. In the past, such permission was withheld until the individual paid a pending residence permit fee and any possible accumulated fines. In 2010 the Ministry of Interior issued a circular encouraging governorates under the relevant article of the legislation to favorably consider exemption from these fees whenever the refugee is not financially in position to pay. While the implementation is not yet uniform in every single location, the 2010 circular explicitly refers to the previous difficulties in refugees and asylum seekers exiting Turkey. Since the circular was issued, the UNCHR reported that in general the previous difficulties some refugees had in obtaining exit permits had been almost completely removed. No data was available at year's end regarding the number of waivers granted.

Internally Displaced Persons (IDPs).—Fighting between security forces and the terrorist organization PKK, which began in 1984 and continued during the year, resulted in hundreds of thousands of citizens, the vast majority of whom were Kurds, living as IDPs in the country. The Internal Displacement Monitoring Center reported as many as 1.2 million, while some human rights groups put the number significantly higher. Many IDPs settled permanently in cities in the west, especially around Izmir and Istanbul, but some faced discrimination and limited opportunities. According to the TNP, a total of 187,861 citizens had returned voluntarily to their villages in the Southeast as of October, although many more did not return due to continued insecurity and concerns about the presence of village guard militias, landmines, and lack of basic social services and economic opportunities in the region.

The law allows persons who suffered material losses due to actions by the PKK or security forces during the conflict with the PKK to apply to the government for compensation. The EU Commission's October progress report stated that since 2008 the government had made progress on compensating for losses due to terrorism and the fight against terrorism, but it noted payment delays. Rejected applicants for compensation appealed government decisions in administrative courts, and several of them applied to the ECHR. Local NGOs and regional bar associations maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR.

Voluntary and assisted resettlement continued. In a few cases, IDPs could return to their former homes, while in other cases centralized villages were constructed. The Jandarma reported that, as of October, it had provided compensation totaling 2.6 billion lira (approximately $1.4 billion) for losses stemming from the fight against terrorists.

Protection of Refugees.—Access to Asylum.—An administrative regulation provides for the granting of asylum or refugee status. The country accepts its obligations under the 1967 Protocol relating to the Status of Refugees only with respect to refugees from Europe. During the year the Ministry of Interior conducted a parallel refugee status determination process subsequent to the UNHCR's determination and affirmed the latter's decisions in nearly all cases. The law does not have a strict time limit for asylum seekers or require them to present a valid identity document.

The UNHCR reported successful interventions in most cases where asylum seekers arrived lawfully in the country after transiting one or more other countries. It also reported improved access during the year to persons in detention who wished to apply for asylum and persons seeking asylum while they were in the international areas of the country's airports. The UNCHR reported disembarkation of stowaways still presented a challenge.

While most asylum seekers in the country cannot be considered refugees under Turkish law, the law requires that the government grant temporary asylum to persons declared refugees by the UNHCR.

Nonrefoulement.—The UNCHR reported one Iraqi prima facie refugee was deported to Iraq after he was apprehended in Greece and readmitted to Turkey. The UNHCR sometimes had difficulty gaining access to interview potential refugees who had already been detained or arrested by security forces for illegal entry into the country.

The government's visa policies generally facilitated easy entry.

In general, Iraqi citizens were able to obtain a 90-day tourist visa upon arrival at the border gates in Turkey. Denial of entry to Turkey is possible if a foreigner has violated visa policy and exceeded visa time limits during a previous stay in the country. Apart from these cases, the UNCHR reported no denial of visa or entry during the year.

Refugee Abuse.—The government detained refugees and asylum seekers who entered the country illegally, a practice that Amnesty International criticized during the year. Detainees could be held indefinitely.

Human rights groups reported that nearly 200 LGBT refugees from Iran were living in the country at year's end. The groups reported that these refugees faced numerous problems in the country in addition to their refugee status due to their sexual orientation or gender identity.

Access to Basic Services.—In 2010 the Ministry of Interior issued a circular containing provisions and administrative measures that would facilitate access to asylum procedures by detained irregular migrants from removal centers. The UNCHR reported this improved the condition of these centers. Provincial governments, working with local NGOs, are responsible for meeting the basic needs of UNHCR-recognized refugees and other asylum seekers who have been assigned to satellite cities in their jurisdictions, including by providing access to employment, healthcare, and education. Basic services are dependent on the goodwill of local officials. Governors have significant discretion in working with refugees and with NGOs, and the response of local officials to refugee presence varied widely.

Temporary Protection.—The government provided temporary protection to asylum-seekers who may not qualify as refugees, including people of non-European origin. Syrians began fleeing into Turkey in significant numbers in June in response to the Syrian government's crackdown on protesters in border areas. The government maintained an open border to Syrian arrivals (and to voluntary returns) and responded robustly to the humanitarian needs of the displaced Syrians. As of October the government had provided temporary refuge and assistance to 18,957 Syrian citizens in camps in Hatay. Refugees needed permission from local authorities to travel to Istanbul or Ankara, including for meetings with the UNHCR or resettlement agencies.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. However, the government restricted the activities of some political parties and leaders.

Elections and Political Participation.—Recent Elections.—The June 12 parliamentary elections were held under election laws that the Organization for Security and Cooperation in Europe (OSCE) found established a framework for democratic elections in line with international standards. The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter parliament. Some political parties and human rights groups criticized the 10 percent threshold as unduly high. Three of the 15 parties eligible to run crossed the threshold in the 2011 elections. Candidates who ran as independents were able to bypass the threshold.

In the June 12 election, 36 independent candidates endorsed by the BDP won seats in parliament. On June 21, the Supreme Electoral Board stripped Hatip Dicle, one of the successful BDP candidates, of his seat on procedural grounds, ruling he was ineligible to run for office to begin with because he had been convicted of "supporting propaganda of a terrorist organization" in the past. His seat went to an AKP

member. Even though members of parliament are entitled to immunity from prosecution while they are in office, courts in Diyarbakir blocked the release from prison of an additional five successful BDP candidates, two successful Republican People's Party candidates, and one Nationalist Movement Party candidate previously imprisoned on KCK-, Ergenekon-, and Balyoz-related charges, respectively. The BDP and CHP boycotted the parliament to protest the courts' decision, and the BDP initiated a civil disobedience campaign. On July 11, the CHP ended its boycott. On October 1, the BDP ended its boycott and joined with independent lawmakers to form a parliamentary bloc. The BDP stated it would continue to work to change the laws to enable the release of the BDP members of parliament it endorsed who were in prison.

In its observation report following the 2011 parliamentary elections, the OSCE noted a comprehensive legal framework for elections and generally assessed that the government demonstrated a broad commitment to holding democratic elections. The OSCE also noted the previous legal prohibition against using any language other than Turkish in political campaigning had been partially repealed but expressed concern that the constitution and implementing legislation continue to unduly limit freedom of expression, freedom of association, and electoral rights.

Political Parties.—Political parties and candidates could freely declare their candidacy and run for election. However, the chief prosecutor of the Court of Appeals could seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court. During the year police raided dozens of BDP offices, particularly in the southeast, and detained more than 1,000 BDP officials and members. Prosecutors also opened numerous investigations and trials against BDP members, mostly for alleged membership or support of the KCK.

Participation of Women and Minorities.—There were 79 women in the 550-seat parliament and one woman in the 26-member cabinet. There was one Christian Syriac in the parliament. He was the first Christian to win a seat in the parliament in approximately 50 years.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The EU Commission noted in its October report that the "scope of parliamentary immunities" in cases of corruption was "too wide" and that there were incomplete measures to ensure transparency in areas such as political party financing and election campaigns.

The law requires government officials to provide a full financial disclosure including listing physical property every five years and officials generally fulfilled this requirement. The Prime Ministry's Inspection Board, which advises the Corruption Investigations Committee, is responsible for investigating major corruption cases. Nearly every state agency has its own inspector corps responsible for investigating internal corruption. Parliament can establish investigative commissions to examine corruption allegations concerning cabinet ministers or the prime minister. A majority vote is needed to send these cases to the courts for further action.

The law provides for public access to government information. However, the government occasionally rejected applications on national security and other grounds, and there were no opportunities to appeal.

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

A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were generally uncooperative and unresponsive to their views, although cooperation increased during the year. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations. During the year Amnesty International reported that some human rights defenders were prosecuted for monitoring and reporting human rights violations.

In October 2010 the trial against Muharrem Erbey, president of the HRA in Diyarbakir and vice president of the national HRA, began along with the trial of other suspects in the KCK case in Diyarbakir. The HRA and many international human rights organizations continued to assert that Erbey was arrested for his work at the HRA and as a human rights lawyer. The trial continued at year's end.

Additional HRA executives and employees were arrested during the year on KCK-related charges and remain imprisoned at year's end.

Government Human Rights Bodies.—The Human Rights Presidency (HRP) was authorized to monitor the implementation of legislation relating to human rights and to coordinate the work of various government agencies in the field of human rights. There were provincial human rights councils under the HRP in all 81 provinces and their constituent subprovinces. The HRP was generally accorded little to no credibility by human rights organizations.

While constitutional amendments adopted in 2010 called for the establishment of an ombudsman's office and an independent human rights commission, as of year's end, neither institution had been established.

Through November 3, the Turkish Parliament Human Rights Committee received 1,512 complaints based on human rights violations. Approximately one-third of the complaints were related to judicial issues, primarily the right to a fair trial, as well as requests to improve the physical conditions and end poor treatment in prisons.

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

The law prohibits discrimination based on race, gender, religion, disability, language, or social status. The government did not enforce these prohibitions effectively. The constitution allows measures to be taken to advance gender equality, as well as measures to benefit children, seniors, persons with disabilities, widows, and veterans without violating the constitutional prohibition against discrimination. The government maintained hotlines to prevent the exploitation of women, children, persons with disabilities, and senior citizens, although some human rights groups questioned their effectiveness.

Women.—Rape and Domestic Violence.—The law prohibits rape, including spousal rape, with prison terms of two to seven years for sexual assault. However, the government did not effectively enforce the law or protect victims. Victims often waited days or weeks to report incidents due to embarrassment or reprisals, hindering effective prosecution of assailants. Human rights organizations claimed that cases of abuse and rape were heavily underreported. The law prohibits violence against women, but the government did not effectively enforce it. The criminal code does not specifically forbid "spousal abuse" but provides punishment based on the underlying crime, such as assault, wrongful imprisonment, or threats. The civil code states that spousal abuse is a reason for granting divorce. Courts regularly issued restraining orders during the year to protect abused women, but human rights organizations reported that police rarely effectively enforced them. There are also problematic gaps in the law. Law 4320 to protect women against domestic violence, for example, excludes divorced and unmarried women from protection procedures. Some organizations reported that societal acceptance of domestic abuse in some cases contributed to underreporting.

Domestic human rights organizations reported these laws were partially effective. More women called the police emergency hotline to report domestic violence and went to police stations to file abuse reports than in previous years. Women's NGOs also reported an increase in violence towards women who attempted to use their legal rights.

Violence against women, including spousal abuse, was a serious and widespread problem both in rural and urban areas. Government statistics on violence against women are inadequate. The Turkish Women's Association Federation reported that in the first 10 months of the year, 208 women were killed. They reported 65 cases of suspected deaths or suicides and 33 attempted murders, in addition to a number of reports of violence and rape. Women's NGO Flying Broom reported that of women killed during the year, 66 percent were killed by family members. Through October the government's hotline received 19,377 calls from women. The Institution for Social Services and Orphanages operated 52 women's shelters with a total capacity of 1,133 female victims of domestic violence and rape. Municipalities operated 24 women's shelters with a capacity of 554 persons and NGOs operated one women's shelter. Regulations call for women's shelters in any city with a population of more than 50,000. Observers noted that there were an inadequate number of shelters, or no shelters at all, in many such cities.

So-called honor killings of women continued to be a serious problem. Individuals convicted of honor killings may receive life imprisonment. Most honor killings occurred in conservative families in the rural Southeast or among families of migrants from the Southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform such killings.

Due to penalties for honor killings, family members sometimes pressured girls to commit suicide to preserve the family's reputation. Government officials worked

with advocacy groups to hold town hall meetings and set up rescue teams and hotlines for women and girls at risk of being the target of honor killings.

In July the Federation of Women's Associations prepared a report showing the number of female suicides in Sanliurfa increased significantly during the past two years. There were five suicides reported in 2009, 124 in 2010, and 149 in only the first six months of 2011. Human rights organizations suspected many of these suicides were actually disguised honor killings, and most involved a history of domestic violence.

On May 12, the Ankara First High Criminal Court sentenced Istikbal Yetkin to a life sentence for the premeditated and deliberate murder of his former wife, Ayse Pasali. In December 2010 Yetkin stabbed Pasali 11 times. Before her death, Pasali received dozens of death threats from her ex-husband. She applied to the courts for protection from him but was rejected because they were divorced.

Sexual Harassment.—The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring two to seven years' imprisonment for sexual assault and three months to two years' imprisonment plus a fine for sexual harassment. Women's rights activists maintained both laws were rarely enforced.

Reproductive Rights.—Couples and individuals in most cases have the right to decide the number, spacing, and timing of children and have the information and means to do so free from discrimination. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

The Ministry of Health reported the maternal mortality rate in 2010 to be 16.4 deaths per 100,000 pregnancies. The World Economic Forum 2011 Gender Gap report estimated skilled attendants assisted an estimated 91 percent of all births; while 71percent of married women used some method of birth control.

Discrimination.—The constitution permits measures, including positive discrimination, to be taken to advance gender equality. While women enjoy the same rights as men under the law, societal and official discrimination were widespread.

Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions in business and government. According to an October EU Commission report, the level of women's employment and political participation were low. A large percentage of women were employed in agriculture and in the retail, restaurant, and hotel sectors as unpaid family labor in family-owned businesses. The World Economic Forum evaluated that during the year that women earned 58 percent of what their male counterparts did for similar work. The government reported that men and women were offered equal opportunities in work and received equal pay for equal work.

Children.—The constitution permits positive discrimination for children and measures to protect children against exploitation, and commits the government to furthering children's welfare and working to expand opportunities in education and health.

Birth Registration.—There is universal birth registration in the country and births were generally registered immediately. Citizenship is passed through a child's parents, not through birth on Turkish soil. Only one parent needs to be a Turkish citizen to pass citizenship to a child. In special cases where a child is born in Turkey who due to the status of his/her parents cannot receive citizenship from any other country, then Turkish citizenship is granted to the child.

Child Abuse.—Child abuse was a problem, and comprehensive social services to provide medical, psychological, and legal assistance were limited. Through the end of the year, the government's domestic violence hotline received 4,071 calls from children.

Child Marriage.—The law defines 17 as the minimum age for marriage, although children as young as 12 were at times married in unofficial religious ceremonies. Child marriage occurred, particularly in poor, rural regions. Women's rights activists reported there were fewer underage marriages but that the problem remained serious. In July the parliament's Committee on the Equality of Opportunity for Women and Men issued a report stating that many families in eastern Turkey did not consider underage marriage improper. A Hacettepe University Institute of Population Studies' report stated that 28 percent of women were married by the time they were 17.

Media reports noted an underage girl who was eight months pregnant was hospitalized in Bolu after being brought to the hospital by her 25-year-old husband, to whom she was wed in a religious ceremony with no legal standing. The hospital did not initiate any formal process for child or sexual abuse, despite the minor's age, and sent her back home with her husband.

Sexual Exploitation of Children.—The constitution provides that the state shall take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. There were reports that children were subject to commercial sexual exploitation. A person convicted of encouraging or facilitating children into prostitution can receive a prison sentence of between four and 10 years; if violence or pressure is involved, the sentence can be doubled.

The age of consent in the country is 15. The law provides for imprisonment for six months to two years for statutory rape; the sentence is doubled if the offender is more than five years older than the victim. The law prohibits producing or disseminating child pornography and provides for a sentence of six months to two years as well as a fine.

In October the Court of Appeals supported the 2010 decision by a court in Mardin to reduce the sentences of 26 men, charged in 2002 with rape and unlawful sex with a minor, after it concluded the then 13-year-old victim had consented to have sex and on account of the "good conduct" on the part of the accused perpetrators. None of the defendants received a sentence of more than four years and 10 months in prison.

Incest is a problem. According to the Van Women's Association, in the first eight months of the year, 26 percent of women who came to it with a complaint of violence said they were subject to incest at some point in their life.

Child Soldiers.—The terrorist group PKK regularly recruited children. Academic research indicated that 38 percent of PKK members were under the age of 18.

International Child Abductions.—The country is a party to the Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were some reports of anti-Semitic incidents against members of the Jewish community, which numbered approximately 23,000.

Jewish leaders in the country believed that occurrences of anti-Semitism were directly related to events in the Middle East, although members of the Jewish community reported that they did not feel they were held responsible for these events by most of the public. After the "Free Gaza" flotilla incident in May 2010, government leaders at all levels emphasized through public speeches that Turkish Jews were distinct from both Israeli citizens and the Israeli government and asserted that the country's Jews should be protected. Jewish community leaders noted that after the event they received extra police protection, which prevented a few acts of vandalism against community property.

A variety of newspapers and television shows continued to feature anti-Jewish as well as anti-Christian messages, and anti-Semitic literature was common in bookstores.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution permits positive discrimination for persons with disabilities and the law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The government did not always enforce the law effectively. The law requires all responsible institutions to make necessary arrangements for easy access for the disabled in open areas and on mass transportation by July 2012, but little progress had taken place by the end of the year. In June a new entity responsible for protecting disabled persons, the Disabled and Senior Citizens Directorate General, was formed under the Family and Social Policies Ministry. During the year the government's domestic violence hotline received 11,003 calls from individuals with disabilities and 1,401 from the elderly.

In 2010 (with arrangements in the FY 2010 budget) the state employed an estimated 7,500 citizens with disabilities. On February 13, a law was passed introducing a central examination to facilitate employment of the disabled by the state. The law, which went into effect on October 3, also tasks employers not to give certain assignments, such as night shifts, to personnel with disabilities and to ensure them flexible working hours.

On April 7, the Disabled and Senior Citizens Directorate General inaugurated a program aimed at mobilizing governors in selected provinces in Central Anatolia and the eastern Black Sea regions to implement awareness programs, include disabled citizens in social life, and train caretakers for the disabled.

The law mandates access to buildings and public transportation for persons with disabilities, but access in most cities was extremely limited, and there is no clear system of fines or other punishment for noncompliance. On April 26, the Ministry of Interior issued a circular directing that municipality buses be upgraded to accommodate disabled citizens.

During the June 12 parliamentary elections, for the first time, the Supreme Election Board automatically assigned citizens registered with disabilities to vote at polling sites with easy access for disabled persons.

National/Racial/Ethnic Minorities.—The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities. In October the EU Commission's progress report observed the country's approach to respecting and protecting minority and cultural rights remained restrictive.

The country's law is interpreted to recognize only three religious and ethnic minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other ethnic or religious minorities, such as Alevis, Assyrians, Protestants, Roman Catholics, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, or Laz, are prohibited from fully exercising their linguistic, religious, and cultural rights, and continued to face varying levels of pressure to assimilate.

Citizens of Kurdish origin constituted a large ethnic and linguistic group. More than 15 million of the country's citizens identified themselves as of Kurdish origin and spoke Kurdish dialects. Kurds who publicly or politically asserted their Kurdish identity or promoted using Kurdish in the public domain risked censure, harassment, or prosecution. In practice children whose first language is Kurdish could not be taught in Kurdish in either private or public schools.

Restrictions remain on use of languages other than Turkish in political and public sector spheres. On March 17, the Constitutional Court rejected the request of a Turkish citizen to use a Syriac surname, stressing that the law regulating surnames was vital for national unity.

Some parents were allowed to register the birth of their children under names derived from the Kurdish language, although the letters W, X, and Q could not be used because they do not exist in the Turkish alphabet.

Some progress occurred on preserving cultural rights. In July Mardin Artuklu University began offering Syriac language courses in addition to Kurdish literature and culture courses added in 2010 under its "Living Languages Institute." In October 2010 the university began classes for its inaugural undergraduate Kurdish Language and Literature Department degree program, the country's first such undergraduate program.

There is no firm estimate of the number of Roma in the country. Roma continued to face problems with access to education, health care, and housing. In January the parliament approved removing the word "gypsy" from a discriminatory clause in the law on the movement and residence of aliens which authorized the Ministry of Interior to "expel stateless and non-Turkish gypsies and aliens that are not bound to the Turkish culture." The EU Commission's October progress report noted steps to address long-standing problems regarding the Roma but stated a comprehensive policy to address the needs of the Roma was still missing.

In July the government employment agency (Is-Kur) started implementing three- to six-month vocational training programs for Roma in 15 provinces. The European Roma Rights Center, the Helsinki Citizens Assembly, and the Edirne Roma Culture Research and Solidarity Association conducted a program during the year to train the Romani community on civil society organization and activism. Literacy courses for Romani women offered by the Roma Culture and Solidarity Association of Izmir continued. Numerous associations celebrated International Roma Day in Ankara.

In the Sulukule neighborhood of Istanbul, redeveloped housing continued to sell for four to five times the amount that the original, mostly Romani occupants received as compensation for leaving the area. Most former residents declined the government's offer of new housing on the outskirts of the city. In Edirne many members of the Romani community also declined the government's offer of new apartment-style housing on the grounds that it did not meet their needs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—While the law does not explicitly discriminate against LGBT individuals, organizations working with LGBT persons stated that references in the law relating to "offenses against public morality," "protection of the family," and "unnatural sexual behavior" were sometimes used as a basis for abuse by police and discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." Authorities applied this law in attempts to shut down or limit the activities of NGOs working on LGBT matters.

In March RTUK started legal proceedings to fine Digiturk Channel 2 for airing the film Sex and the City 2 on February 18 due to scenes in the film depicting gay marriage that the RTUK claimed "violated national and spiritual values and Turkish family structure."

Police provided protection to some "pride" events in Istanbul and other cities, and no incidents of violence were reported.

There were active LGBT organizations in at least six cities in the country: Istanbul, Ankara, Izmir, Adana, Eskisehir, and Diyarbakir, and unofficial groups in smaller cities and on university campuses. All groups complained of harassment by police and government authorities. Most had problems registering as an official organization or maintaining their registration once granted. Many university groups complained that they had tried to organize but had been denied permission by the rector. Local governors' offices attempted to close LGBT groups through civil law cases on the grounds that the associations violate Turkish morals.

LGBT individuals continued to suffer discrimination, intimidation, and violent crimes. LGBT groups claimed police harassed and practiced arbitrary arrest against transgender individuals during the year. Human rights organizations reported many prosecutions for "offending public morals." The law on misdemeanors was often used to impose fines on transgender persons when they frequented stores or walked on city streets. Police claimed they were acting on complaints they had received.

According to the Pink Life (Pembe Hayat) LGBT organization, the Antalya TNP announced that, through the end of August, it had fined transgender individuals a total of 226,000 lira ($122,000) in 1,400 administrative actions.

On October 25, an Ankara court convicted three transgender persons (who were also human rights defenders) from the LGBT organization Pembe Hayat with crimes including resisting police and gave them sentences of between five months and one year, with two sentences postponed. The charges related to a June 2010 incident in which police stopped the car with the three inside and insisted they come to the police station. When asked why, they were told "Because you are transvestites." The police then allegedly violently forced them to the station. The three filed complaints against the police officers for mistreatment, but there was no public investigation by year's end.

During the year at least six transgender persons were killed. On October 6, the brother of a transgender woman shot and killed her in a Gaziantep hospital. The woman was in the hospital for injuries after she allegedly accidently fell down stairs on October 4. The brother allegedly went to the police in the hospital and stated, "I killed my brother.he was a transvestite. I cleaned my honor." The case was ongoing at year's end.

The Black Pink Triangle (Siyah Pembe Ucgen) LGBT NGO alleged there were more than 100 incidents of violence against LGBT individuals in Izmir alone during the year.

In November an Antalya Heavy Penal Court sentenced Nihat Altug to life imprisonment for the premeditated murder of transgender woman Hayati Yilmaz. Altug stabbed Yilmaz 28 times in her bed in February 2010 in Antalya.

Openly gay men were not allowed to perform military service for "health reasons" due to their sexual orientation. Gay men requesting military exemption for reasons of sexual orientation had to undergo an invasive burden of proof and many times were denied even after proclaiming their sexual orientation and undergoing treatment and examination at several military medical facilities. LGBT groups complained that gay men were required to show photos of themselves in overtly sexual positions and to undergo thorough medical evaluations to prove their homosexuality to military officials. The groups further complained that military officials "outed" gay men to their families and communities.

Other Societal Violence or Discrimination.—The Ministry of Health reported 301 accounts of HIV/AIDS in the first six months of the year compared with 627 during 2010. The Positive Life Association (PLA) and other NGOs complained that the media and medical professionals often did not respect the privacy of individuals with HIV/AIDS and often reported their names in the media. Many people living with HIV/AIDS reported discrimination in housing, public services and benefits, and health care. The PLA conducted programs during the year for people living with HIV/AIDS but faced ongoing funding difficulties.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides most but not all workers with the right to form and join unions of their choice, to conduct their activities without interference, and to bargain collectively. Certain public employees, such as the military and police, cannot form unions. There are no restrictions on membership or participation of people or unions in regional, national, or international labor organizations, but such participation must be certified by a notary public and reported to the government. Unions are required to notify government officials prior to holding meetings or rallies (which must be held in officially designated areas) and to allow government representatives to attend their

conventions and record the proceedings. Public sector employees are not allowed to bargain collectively. The law provides for the right to strike but prohibits strikes by white collar civil servants; public workers engaged in safeguarding life and property; and workers in the coal mining and petroleum industries, sanitation services, national defense, banking, and education. Workers in the coal mining, petroleum, sanitation services, national defense, banking, and education sectors were required to resolve disputes through binding arbitration. The law prohibits antiunion discrimination. The government reported that 363,544 workers were covered by collective bargaining agreements in 1,623 workplaces.

The 2010 constitutional amendments provide for the recognition of many new labor rights, such as allowing a person to be a member of more than one union in the same work branch, allowing a person to participate in solidarity strikes, and providing public sector workers the right to collective bargaining. However, as of year's end, the government had not adopted legislation to implement these amendments.

The government maintained a number of restrictions on the right of association. A minimum of seven workers are required to establish a new trade union without prior approval. By law, to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols in any union or confederation publications.

In practice, despite restrictions, workers exercised their rights of association and collective bargaining. The Ministry of Labor reported that, through September 30, there were nine private sector strikes involving 26 workplaces. There were no public sector strikes. However, on December 21, the Public Workers Unions Confederation organized a strike to protest the government's economic policies and human rights practices. Public workers, including those from the field of education, participated in the strike. An Education Union lawyer reported that domestic laws prohibit certain civil servants, including educators, from striking, although the country is a signatory to ILO conventions and the European Human Rights Charter that allow such actions, while the constitution gives supremacy to international obligations over domestic legislation. However, the government did not recognize the right to strike in practice and initiated disciplinary investigation against those who participated in the strike. In practice government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Police were frequently present at union meetings and conventions.

Antiunion discrimination occurred occasionally. If a court ruled that a worker was unfairly dismissed and should either be reinstated or compensated, the employer generally paid compensation to the employee along with a fine. Service sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity.

Threats, violence, and systemic lay-offs were common responses to unionized work places. In April all 110 Birlesik Metal-Is union members at the MAS DAF company's Makina Sanayi operations were fired without explanation after protracted negotiations with management after the illegal firing in 2010 of 22 unionized workers. In February Turkish workers for United Parcel Service, Inc. who were laid off were allowed to return to work after a year-long process filled with threats, shootings, firings, and general intimidation.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that adults and minors were trafficked for commercial sexual exploitation and labor exploitation.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, and the government effectively implemented the law with some exceptions. The use of child labor was found in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales, although the incidence was thought to be low and difficult to detect. Some parents forced their children to work on the streets selling tissues or food, shining shoes, or begging.

The law prohibits the employment of children younger than 15 and prohibits children under 16 from performing arduous or dangerous work. The government prohibits children under 18 from working in certain professions or under hazardous

conditions, such as working at night or in underground mining. The Ministry of Labor and Social Security effectively enforced these restrictions in most workplaces.

While all places of business are subject to labor inspections, resource limitations meant many workplaces that employed children did not receive routine inspections, including farms employing 300 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons. These workplaces could still be inspected based on complaints submitted to the Ministry of Labor and Social Security.

Notwithstanding government enforcement of the law, child labor was moderate. In a child labor survey conducted in the fourth quarter of 2006 and released in 2007, the State Statistical Institute reported there were 960,000 child laborers between the ages of six and 17. The study found that 84.7 percent of children between the ages of six and 17 attended school and that the 31.5 percent of children in that age group who were employed also attended school at least part time.

Employment of young boys and young girls was not uncommon. Girls were rarely seen working in public, but many were kept out of school to work in handicrafts or light assembly at home, particularly in rural areas. According to the 2006 child labor survey, 40.9 percent of child labor occurred in the agricultural sector, as52.4 percent of employed children worked in rural areas.

To reduce the employment of children, the Ministry of Education conducted several programs from 2005-07 in cooperation with UNICEF designed to increase enrolment of children at school, improve the quality of education, and improve access to primary education for children, particularly at-risk girls. During the year the Ministry of Labor and Social Security also continued to implement a project to improve the work and social lives of seasonal mobile agricultural workers in 28 provinces.

Children legally employed at small enterprises and registered with a Ministry of Education training "Lifelong Learning Center" were required to go to the center once a week for training. The centers were obligated by law to inspect their workplaces.

The government identified the worst forms of child labor as working in the streets, in the informal urban economy, seasonal commercial agriculture, and domestic service workers. A credible 2010 report on the worst forms of child labor indicated that 8,298 children worked on the streets in 2009.

The Social Services and Child Protection Institution operated 37 centers in 29 provinces to assist such children. The Social Services and Child Protection Institution operated a hotline for reporting child exploitation and negligence, and with TNP cooperation, street children spotted in the streets and who were at risk were directed to child centers for care and reintegration into the educational system.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The national minimum wage was 837 lira ($452) per month. The official poverty level is 3,063 lira ($1,656) per month according to unions. All workers covered by the labor law are also covered by the law establishing a national minimum wage. This law was effectively enforced by the Ministry of Labor Inspection Board. The Organization for Economic Cooperation and Development indicated that the national minimum wage did not take sufficient account of regional variations in productivity and living costs.

The law establishes a 45-hour workweek with a weekly rest day and limits overtime to three hours per day for up to 270 hours a year. Premium pay for overtime is mandated, but the law allows for employers and employees to agree to a flexible time schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors. Workers in other sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime.

While the law mandates occupational health and safety regulations, in practice the Ministry of Labor Inspection Board did not carry out sufficient inspection and enforcement programs. During the year the number of labor inspectors increased to 851. The board began a program during the year to conduct preliminary observations in workplaces and counsel the employers on violations that would be fined later if no action was taken. The program resulted in an increase in awareness and enforcement of labor laws and a reduction in fines. In 2010, 62,903 workplace accidents occurred, causing 1,444 deaths persons and 1,976 injuries.

UKRAINE

EXECUTIVE SUMMARY

Ukraine is a republic with a presidential-parliamentary system of government. The constitution provides for a directly elected president, a prime minister who is appointed by the president and confirmed by parliament, and a unicameral parliament (Verkhovna Rada). Recent changes to the constitution strengthened the presidency at the expense of other branches of government. Viktor Yanukovych took office as president in February 2010 following two rounds of voting that met most international standards for democratic elections. Security forces generally reported to civilian authorities.

The most serious human rights development during the year was the politically motivated detention, trial, and conviction of former prime minister Yulia Tymoshenko, along with selective prosecutions of other senior members of her government. The second most salient human rights problem was the government's measures to limit freedom of peaceful assembly. Under political pressure courts denied permits for the vast majority of protests that were critical of the government. For those protests that were approved an overwhelming police presence discouraged participation; actions by protesters were limited and tracked by the authorities. The third major problem was increased government pressure on independent media outlets, which led to conflicts between the media owners and journalists and to self-censorship.

Other serious problems included police abuse and deaths in custody, beatings and torture of detainees and prisoners, and an inefficient, corrupt judicial system. In addition, the following problems were reported: harsh conditions in prisons and detention facilities, arbitrary and lengthy pretrial detention, government pressure on nongovernment organizations (NGOs), and pervasive corruption in all branches of government. Societal problems included violence against women, trafficking in persons, xenophobic attacks and hate crimes, and societal discrimination, harassment, and attacks on religious and ethnic minorities.

The government generally did not prosecute security officials who committed abuses, especially against ethnic minorities and prisoners.

Prosecutions for corruption, which were frequent, were often criticized as selective. Impunity was a problem throughout the government.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed any politically motivated killings.

According to the Association of Ukrainian Monitors of Human Rights in Law Enforcement, 35 deaths were attributed to illegal actions or negligence by the authorities. This included persons who died either in police custody or shortly after being released from custody.

On April 4, authorities arrested three police officers in connection with the alleged beating death of Kharkiv resident Yevhen Zvenyhorodskyi. According to a report in the Hazeta po-ukrainsky newspaper, police detained Zvenyhorodskyi on March 30. He was beaten in custody, left outside a police station, and later died in a hospital as a result of his injuries. A police sergeant was charged with the beating and for exceeding authority. Two senior officers were charged with failing to prevent the beating, failing to provide medical assistance, and exceeding authority. Their trial continued at year's end.

On March 24, the Prosecutor General's Office charged former president Leonid Kuchma with abuse of office that allegedly resulted in the 2000 killing of investigative journalist Heorhiy Gongadze. On July 7, the Pechersk District Court in Kyiv began the trial of Oleksiy Pukach, a former senior Ministry of Internal Affairs official; according to authorities, Pukach confessed to strangling and beheading Gongadze. A panel of judges ordered the trial closed to the public and rejected repeated motions by the prosecution to open the proceedings. In August the media reported that Pukach had implicated Kuchma, then parliament speaker Volodymyr Lytvyn, and former deputy minister of internal affairs Mykola Dzhyha in a plot to kill Gongadze. In December the court dismissed charges against Kuchma, citing a ruling by the Constitutional Court that the evidence against him was improperly obtained. The case against Pukach continued at year's end.

On April 20, the Dniprovskiy District Court sentenced Viktor Lozynskiy, a former member of parliament, to 15 years in prison for his part in the 2009 death of Valeriy Oliynyk. According to police Lozynskiy and two other local officials pursued Oliynyk into a wooded area where they assaulted him, broke his leg, and shot him multiple times. Lozynskiy appealed the ruling. The court also sentenced two accom-

plices in the killing. One was serving nine years in prison; the second received a five-year suspended sentence.

On December 23, a district court granted amnesty to a police officer who was found guilty of negligence and exceeding authority in the May 2010 death in custody of university student Ihor Indylo. The trial of a second officer charged in the case was pending at year's end. Indylo's family alleged that police officers beat the student and failed to provide medical assistance.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and the law prohibit such practices; however, there were reports that police continued to abuse and torture persons in custody. For example the Ukrainian Helsinki Human Rights Union (UHHRU), a coalition of human rights organizations, reported it received 240 complaints of torture and abuse during the year.

On August 17, police officers allegedly detained and abused Cherkasy lawyer Dmytro Karpenko. According to Karpenko the officers handcuffed, tortured, and beat him for an hour in a police vehicle following an argument with the officers that his client should be released from detention. Karpenko reported the incident to the Cherkasy prosecutor's office. On August 30, the Cherkasy prosecutor charged Karpenko with resisting arrest and injuring the officers. On September 13, a city court dismissed the charges, but in November the Kirovohrad oblast prosecutor's office charged Karpenko with the same offenses. On December 30, a Leninskiy district court in Kirovohrad dismissed the charges.

On December 8, court officials conducted a 14-hour hearing inside the jail cell of former prime minister Tymoshenko. Her defense counsel reported that she remained bedridden throughout the proceedings and that authorities refused to provide her with proper medical treatment.

According to Nina Karpachova, the human rights ombudsman, the proceedings in Tymoshenko's cell violated the law and were a "flagrant violation" of the European Convention on Human Rights. However, the State Penitentiary Service said that 270 court hearings were held in pretrial detention facilities between 2010 and 2011.

The law does not prohibit introducing into evidence statements made under duress by defendants and witnesses, and police officers reportedly relied excessively on confessions to solve cases because they lacked training and equipment to gather evidence through proper investigations. An ineffective system to investigate allegations of abuse and the lack of access to defense lawyers and doctors hindered efforts to curtail police abuse.

In a 2009 report, the U.N. Working Group on Arbitrary Detention cited multiple concerns based on a monitoring visit in 2008 to 21 facilities in eight cities. Among them were "numerous, consistent, and often credible allegations from various sources...of confessions obtained under torture" from persons detained by the police force. The working group also noted that the Prosecutor General's Office indicted few officials even when it was presented with well-founded accusations that evidence was obtained by methods that violated proper procedures. Of some 100,000 such complaints registered in 2008, the prosecutor general considered 30 to be violations. According to the working group, "impunity for perpetrators of ill-treatment largely prevails."

While the government acknowledged the U.N. report, it did not provide a substantive response on how to correct the problems and abuses. In latter half of the year, the NGO Donetsk Memorial published a report on prison conditions. It cited the "unjustifiably high" use of pretrial detention and widespread corruption among prison staff. The report concluded that no substantial progress toward observing the rights of prisoners had been made during 2010 and the first half of 2011.

The media reported several cases of abuse by police. For example, on April 7, Hazeta po-ukrainsky reported that in March police officers of Mohyliv-Podilskyi district in Vinnytsia Oblast stopped Firdovsi Safarov, a local resident of Azerbaijani origin. According to Safarov, the officers made racist comments, handcuffed, and beat him. He was later hospitalized with a concussion. Police claimed Safarov refused to show vehicle documents and resisted arrest. On August 2, the Vinnytsia oblast prosecutor's office opened a criminal case against the officers for abuse of authority. The investigation continued at year's end.

During the year authorities prosecuted 92 police officers who had allegedly abused persons in detention.

In November the UHHRU reported that unknown persons attacked, beat, and assaulted Andriy Fedosov, a disability rights activist and investigator who uncovered poor living conditions and abuse in psychiatric hospitals in Crimea. Fedosov confirmed the attack and left the country with assistance from human rights organiza-

tions. In December he requested asylum in France. Both Human Rights Watch (HRW) and Amnesty International had previously expressed concern about Fedosov, saying the attacks appeared to be in retaliation for his activist work.

Physical hazing and violence continued to be a problem in the armed forces. According to the State Judicial Administration, 107 hazing-related guilty verdicts were issued in the first six months of the year. The Prosecutor General's Office confirmed that during the year 239 servicemen were convicted of hazing and 132 hazing-related criminal cases involving servicemen were forwarded to the courts.

Prison and Detention Center Conditions.—Prison and detention center conditions remained poor. Overcrowding, abuse, inadequate sanitation, and the lack of adequate light, food, and medical care were persistent problems, although prisoners had some access to potable water. The government permitted monitoring visits by independent human rights observers, and some visits occurred during the year.

At year's end, according to the latest available statistics from the State Penitentiary Service (SPS), the service held 154,029 persons in its facilities; of these, 37,632 were in pretrial detention facilities. Approximately 9,480 were women, and 2,092 were juveniles. During the year 1,169 individuals died in custody; the number included 60 suicides and four homicides.

According to the Ministry of Internal Affairs, approximately 235,000 persons were held in police-controlled temporary holding facilities during the first 11 months of the year. The ministry confirmed 22 deaths in these facilities; 11 were reported to be by suicide and 11 due to illness.

Conditions in police temporary holding facilities and SPS pretrial detention facilities were harsher than in low- and medium-security prisons. The former were often overcrowded and lacked adequate sanitation and medical facilities. At year's end 228 individuals serving life sentences were held in pretrial detention facilities, according to the SPS.

Overcrowding in prisons and pretrial detention centers continued to be a problem. For example, as of September, there were 3,899 inmates at Kyiv's Lukyanivskiy detention center, which has capacity for 2,850. As a result 1,049 detainees were forced to sleep on the floor or rotate their sleeping places with cellmates.

According to a December 2010 report by the Prosecutor General's Office, overcrowded conditions at pretrial detention facilities operated by the State Penitentiary Service in Crimea, Donetsk, Luhansk, Kharkiv, Kherson, and Kyiv, were especially difficult. The law sets the average space for detainees at 26.9 square feet. According to the State Penitentiary Service, at year's end 37,632 detainees were held in facilities with a capacity for 34,817, making the actual average space per detainee 24.8 square feet.

At year's end an estimated 4,052 persons in custody had tuberculosis, according to the SPS. In tuberculosis hospitals under the responsibility of the SPS, 42 percent of patients were terminally ill with tuberculosis, and 44 percent of patients were terminally ill with HIV/AIDS, according to the most recent available statistics. The penitentiary service acknowledged that tuberculosis was a widespread problem because of poor conditions and inadequate medical resources for examining and treating tuberculosis-infected persons in pretrial detention facilities.

The penal code prohibits racial, ethnic, religious, and other types of discrimination against inmates in penitentiary institutions and stipulates which individuals may visit prisons without special permission, including the justice minister, members of the Council of Europe's Committee for the Prevention of Torture (CPT), and members of civic commissions monitoring prison conditions.

Prisoners generally were allowed to receive visitors and were permitted religious observance, although those who were under a disciplinary regime could not receive visitors. Prisoners and detainees were also allowed to file complaints with the ombudsman about conditions in custody, but human rights organizations noted that prison officials continued to censor or discourage complaints. By law the prosecutor and ombudsman were obliged to disclose the names of inmates who filed complaints to prison and police authorities.

The government allowed independent monitoring of prison conditions and detention centers by local and international human rights groups during the year. According to local human rights activists, the monitoring was infrequent and focused primarily on providing social services to detainees. There was no record of the number of visits that were made.

From November 29 to December 6, a CPT delegation conducted an ad hoc visit to review treatment of persons detained at facilities in Kyiv, Kharkiv, and in other police pretrial detention facilities. The delegation also examined the health care provided to certain prisoners held in Kyiv, including former acting defense minister Valeriy Ivashchenko, former minister of internal affairs Yuriy Lutsenko, and former prime minister Tymoshenko.

Also in November the CPT released its report on its 2009 visits to detention facilities in Kyiv, Dnipropetrovsk and Luhansk. The report noted that the frequency and consistency of allegations heard by the delegation "suggest that methods of severe mistreatment and torture continue to be used with impunity by Internal Affairs Ministry officers."

In addition, the report noted little progress in providing detainees with access to lawyers before questioning by authorities and concluded that Internal Affairs Ministry staff had pressured many detainees to sign statements waiving their right to a lawyer.

d. Arbitrary Arrest or Detention.—The constitution and the law prohibit arbitrary arrest and detention; however, in practice serious problems remained.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs is responsible for maintaining internal security and order; it reports directly to the president and oversees the police and other law enforcement personnel. The Security Service of Ukraine (SBU) is responsible for all state security, nonmilitary intelligence, and counterintelligence. It too reports directly to the president. The State Tax Administration, which exercises law enforcement powers through the tax police, is accountable to both the president and the cabinet.

The law provides for civilian control of the armed forces and law enforcement agencies and authorizes members of parliament to conduct investigations and public hearings into national security and defense issues. The parliament's human rights ombudsman is also authorized to initiate investigations into the relevant activities of security forces. There were reports that the Ministry of Internal Affairs and SBU at times acted with impunity and appeared to act to further the political interests of the presidential administration.

According to the Prosecutor General's Office, during the year 72 criminal cases of police torture or inhuman and degrading treatment were opened, and 91 cases involving 174 law enforcement officers were sent to court.

According to the Ministry of Internal Affairs, during the year 575 criminal cases were opened against police officers. Of these, 166 were linked to abuse of office or power. The other charges included 98 cases of exceeding authority, 17 cases of forgery, 33 cases of negligence, and 61 cases of bribery, as well as 200 cases linked to other offenses. According to the Prosecutor General's Office, 127 law enforcement personnel were convicted of torture or inhuman treatment during the year.

In October 2010 rapporteurs from the Parliamentary Assembly of the Council of Europe expressed concern about credible reports that the SBU was monitoring civil society, noting they had received numerous reports, often substantiated and credible, of pressure by the SBU on journalists, politicians, and civil society activists or on people or businesses close to them.

In July the NGO Foundation of Regional Initiatives reported that an SBU official contacted one of its activists in Zhytomyr and demanded a meeting to discuss the foundation's activities in protesting against the Law on Higher Education. In November more reports surfaced of SBU surveillance of civic groups outside of Kyiv. Some SBU personnel reportedly attended meetings to gather information on activities of specific individuals, while others called activists to ask in-depth questions about their political affiliation and work.

Arrest Procedures and Treatment While in Detention.—By law, authorities may detain a suspect for three days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days and grant extensions for a maximum of 18 months. The law permits citizens to contest an arrest in court or appeal it to the prosecutor. The law requires that detained persons be informed of their rights and that officials notify family members immediately concerning an arrest; however, in practice police often did not follow the procedures required by law.

The law stipulates that a defense attorney must be provided without charge to indigent detainees from either the time of detention or the date of the filing of charges. However, in practice this often did not occur because of an insufficient number of defense attorneys or because attorneys refused to take on indigent clients, citing low government remuneration.

The law provides for bail, but it was rarely granted. Many defendants could not pay imposed bail amounts. Courts sometimes imposed travel restrictions as an alternative to pretrial confinement. However, courts generally opted to place individuals in pretrial detention.

Arbitrary Arrest.—Authorities reportedly continued to make arbitrary arrests in part to extract evidence that could be used against detainees. There were reports of unsanctioned arrests, and police at times failed to keep records or register de-

tained suspects. Additionally, courts often extended detention to allow police more time to obtain confessions.

On August 5, during her trial on abuse of office and exceeding authority, former prime minister Tymoshenko was arrested for allegedly avoiding the investigation and disrupting court proceedings. She remained in detention for the duration of her trial on grounds that if freed she would impede the court's inquiry. According to local and international legal analysts, Tymoshenko's detention was not justified and disproportionate to the charges. Despite her deteriorating health, the court denied repeated requests for bail, and she remained in dentition until her conviction on October 11. On December 23, an appeals court upheld Tymoshenko's conviction and seven-year prison sentence.

Pretrial Detention.—Lengthy pretrial detention remained a serious problem. Individuals often remain in pretrial detention for months or, in some cases, years.

A 2009 report by the U.N. Working Group on Arbitrary Detention noted a number of problems related to the country's detention practices, including the continued practice of detaining until trial persons suspected of minor crimes, a perceived lack of independent and effective control by the judiciary over the detention process, and unlawful restrictions on pretrial detainees, such as denying them contact with their families and medical treatment before court trials.

In December 2010 police detained former minister of internal affairs Lutsenko on charges of embezzlement and abuse of office. His defense team filed repeated motions to release him on bail due to his poor health, but the motions were dismissed. His detention was extended several times until his trial began on May 27.

Former acting defense minister Valeriy Ivashchenko was detained in August 2010 on charges of exceeding authority and abuse of office for sanctioning the reorganization of Feodosiya ship repair plant in Crimea. His trial began in November 2010 and continued at year's end.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, in practice the judiciary remained subject to political pressure, corruption, and inefficiency and lacked public confidence. In certain cases the outcome of trials appeared predetermined.

According to local and international legal experts, the following individuals were victims of politically motivated prosecutions and were denied the right to a fair public trial: former prime minister Yulia Tymoshenko, former minister of internal affairs Yuriy Lutsenko, former acting defense minister Valeriy Ivashchenko, and former head of customs Anatoliy Makarenko, among others.

The right to a fair trial was impeded by lengthy court proceedings, particularly in administrative courts, and by political pressure on judges, inadequate court funding, a shortage of qualified legal assistance for defendants, and the inability of courts to enforce rulings. Judges also continued to complain about pressure from high-ranking politicians seeking improper resolution of cases.

All courts, except for the Supreme Court, were funded through the State Judicial Administration, which was also responsible for staffing. The ministries of justice and education were responsible for training judges.

Trial Procedures.—The constitution includes provisions for a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives. However, these rights were limited in practice by the absence of implementing legislation, which left a largely Soviet-era criminal justice system in place. While the law entitles defendants to a presumption of innocence, the tendency of courts to detain defendants prior to conviction and a 0.2 percent acquittal rate undermined that presumption.

The constitution provides for juries, but a jury system has not been implemented. Most cases are decided by a single judge, although trials on charges carrying a maximum sentence of life imprisonment, the highest penalty in the criminal justice system, were heard by two judges and three public assessors who have some legal training.

By law trials must start no later than three weeks after criminal charges are filed. However, the overburdened court system seldom met this requirement and months frequently passed before a defendant was tried, with complicated cases usually taking longer.

The law specifies that a defendant may consult a lawyer in private. However, human rights groups reported that officials occasionally monitored meetings between attorneys and their clients. The law also requires legal counsel be provided without charge to all defendants, but such counsel was often unavailable. Defendants have the right to confront witnesses, present their own witnesses and evidence, and access government-held evidence. These rights were repeatedly violated in the

trials of former prime minister Tymoshenko and former minister of internal affairs Lutsenko.

Investigative files must contain signed documents attesting that defendants were informed of the charges against them, of their right to an attorney at public expense, and of their right not to give evidence against themselves or their relatives. Although the law requires trials to be held in public, courtroom space was often limited, and media were at times prohibited from observing court proceedings.

The law provides for an appeals process. Appeals courts may dismiss convictions or order new trials if certain documents signed by the defendant are missing from the case file. However, officials sometimes verbally and physically abused defendants to force them to sign copies of the missing documents to avoid dismissal of the conviction or a new trial.

Political Prisoners and Detainees.—Authorities selectively detained and prosecuted members of the political opposition.

On January 14, the Czech Republic granted political asylum to the former minister of economy, Bohdan Danylyshyn, who was accused of abusing his office and misspending approximately 14 million hryvnia ($1.75 million). Czech authorities had initially detained Danylyshyn in Prague in October 2010 on an extradition request from Ukraine.

Between August and December 2010, the prosecutor general charged former prime minister Tymoshenko, former minister of internal affairs Lutsenko, and six other high-level members of Tymoshenko's government with abuse of power and misuse of state funds. Since President Yanukovych came to power, charges have been filed against 13 senior members of Tymoshenko's government: Tymoshenko, four ministers, five deputy ministers, two agency heads, and the head of the state gas monopoly. Many domestic and foreign observers and governments considered the prosecutions politically motivated.

On August 4, the Public Committee for Defending against Political Prosecution, a coalition of 14 domestic human rights NGOs, issued a report that designated Tymoshenko and Lutsenko political prisoners because they were deprived of their liberty and remained in detention on politically motivated charges. The coalition stated that its conclusion was based on "an analysis of the rulings regarding [the court's] choice of restraint measures and the circumstances of [the defendants'] arrest and remand in custody."

Tymoshenko's trial began June 24 at the Pechersk District Court of Kyiv. Her attorneys filed numerous motions to protest violations of her right to a fair trial, such as failure to admit certain types of evidence, failure to call defense witnesses, failure to provide counsel sufficient time to study the case, and limitations on cross-examination. International jurists who observed the trial criticized the trial judge's conduct, noting that Tymoshenko's detention was unjustified and her right to defense likely violated because her attorneys did not have adequate time to prepare for trial. Tymoshenko was sentenced on October 11 to seven years in prison and ordered to pay the government approximately 1.5 billion hryvnia ($188 million) for losses allegedly caused by a 2009 natural gas agreement that Tymoshenko signed with Russia. The conviction also prohibited her from running for political office for three years after conclusion of her prison term.

On August 10, Tymoshenko lodged a complaint with the European Court of Human Rights (ECHR) concerning her detention and trial. On December 14, the ECHR announced it would "give priority to the case Tymoshenko v. Ukraine. in view of the serious and sensitive nature of the allegations raised."

The trial of former minister for internal affairs Lutsenko on charges of abuse of office and embezzlement began May 27. He was detained in December 2010 on grounds that he was not reviewing case materials in a timely manner. The charges stemmed from an alleged overpayment of 40,000 hryvnia ($5,000) to a ministry driver. On January 21, Lutsenko lodged a complaint with the ECHR.

In November Tymoshenko's husband, Oleksandr, fled the country and applied for political asylum in the Czech Republic. His request was pending at year's end.

Regional Human Rights Court Decisions.—Individuals may apply to the ECHR to redress alleged violations by the state of human rights as provided under the European Convention on Human Rights. During the year the ECHR handed down 105 judgments against the country. Most of the judgments involved violations of the right to a fair trial, unduly long proceedings, protection of property, the right to liberty and security, and inhumane or degrading treatment. In 2010 the ECHR issued 107 decisions against the country for violations of the European Convention on Human Rights. At year's end 10,271 applications against Ukraine were pending before the ECHR.

Independent observers noted that while the government paid damages to those who won ECHR cases involving financial issues, it failed to institute reforms to address the root causes of many of the cases brought before the court.

Civil Judicial Procedures and Remedies.—The constitution and laws give citizens the right to challenge any decisions, actions, or omissions of national and local government officials that violate their human rights. However, the right of redress was limited by an inefficient and corrupt judicial system. Individuals may also file a collective legal challenge to legislation that they believe may violate basic rights and freedoms. Individuals may appeal to the human rights ombudsman and to the ECHR after they have exhausted all legal remedies in the country.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions; however, in practice authorities generally did not respect these prohibitions.

By law, the Security Service of Ukraine (SBU) may not conduct surveillance or searches without a court-issued warrant. The Office of the Prosecutor General has the constitutional responsibility to ensure that all law enforcement agencies observe the law. Citizens have the legal right to examine any dossier concerning them in the possession of the SBU and the legal right to recover losses resulting from an investigation. However, authorities generally did not respect these rights in practice because implementing legislation was not enacted, and many citizens were not aware of their rights or that their privacy had been violated by authorities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and laws provide for freedom of speech and press. However, in practice government pressure on the media intimidated journalists and media owners into practicing self-censorship in some cases. There were numerous reports that central and local authorities attempted to direct media content. There were also reports of intimidation and violence against journalists by national and local officials and unknown perpetrators.

Freedom of Speech.—Individuals could criticize the government publicly and privately, and independent and international media were active and expressed a wide variety of opinions. However, there were reports during the year that some SBU officers attended meetings of civic organizations to gather information on their activities and the political nature of their work.

Freedom of Press.—While private print and broadcast media outlets generally operated free of state control or interference, both independent and state-owned media demonstrated a tendency toward self-censorship on stories that were critical of the government. Although private newspapers and magazines ran on a commercial basis, they frequently operated at a loss, depending on their owners for revenue and thereby giving up editorial independence.

During the year the state of media freedom was the subject of increasing concern by international watchdog groups. For example, in February Freedom House downgraded the country's overall status from "free" to "partly free" due in part to deteriorating media freedom. In a follow-up report in April, Sounding the Alarm, Freedom House noted the "increasingly close relationship between media control and political power, and with it a growing degree of self-censorship."

In June the International Press Institute issued a report based on a fact-finding mission to the country from May 31 to June 3. The report found deteriorating conditions for the media due to a lack of respect for a divergence of views, impunity for attacks on journalists, and corruption at multiple levels of society. In particular the report noted that media freedom was perceived to have deteriorated following Yanukovych's election in 2010 and that the financial crisis, which began in 2008, "has pushed more and more media into the hands of oligarchs" who tended to support the government.

In August Reporters without Borders and local media NGOs sharply criticized the National Television and Radio Council for its nontransparent awarding of licenses to local and national broadcasters for digital broadcasting starting in 2015. Some new companies with no history of broadcasting in the country and opaque ownership registered in Cyprus received multiple licenses. In addition, leading local broadcasters in several regional markets that were seen as unsupportive of local authorities were denied digital licenses.

Violence and Harassment.—According to Reporters without Borders, during the first nine months of the year, at least 20 journalists were physically attacked. At least 18 other journalists were subjected to intimidation, and police arrested six in the course of their duties. Many of the incidents occurred at the local level and were

attributed to individual politicians, businessmen, organized criminal groups, local police, or unknown assailants.

On July 31, unknown persons in Donetsk set fire to the apartment of Oleksiy Matsuka, the chief editor of Novyny Donbasa Internet Edition, and left behind a mock wreath mourning his demise. Matsuka considered the attack an attempt on his life because of his work as a journalist. On September 7, a Zaporizhzhya official beat Alina Kotenko, a journalist with the Reporter newspaper.

There were no developments during the year in the disappearance and likely death of Vasyl Klymentyev in August 2010. Klymentyev was editor in chief of the Novy Styl newspaper, which had written about corruption among law enforcement officers and other officials in the Kharkiv region. President Yanukovych took personal control of the case and ordered top law enforcement officials to make every effort to solve it..

Censorship or Content Restrictions.—On June 20, the Kyiv-based NGO Institute of Mass Information (IMI) reported that local authorities in Donetsk had reverted to issuing "temnyki"—written orders on news coverage—to local state-run television and radio stations. The practice was prevalent under former president Kuchma's administration but ceased after he left office.

On August 16, the NGO Common Business alleged that all state oblast television stations were instructed to make 10 negative prime-time broadcasts about former prime minister Tymoshenko. According to the NGO, stations in Trans-Carpathia and Kherson oblasts had complied.

According to the IMI, regional state-funded print media were under significant pressure to praise local officials and governors. Articles often had to be approved by the corresponding headquarters of the ruling Party of Regions. The IMI also reported that political parties frequently ordered placement of stories in regional print media in violation of the law. Some journalists maintained that low salaries encouraged reporters to supplement their incomes by writing politically slanted articles in exchange for payments from benefactors seeking to influence news reporting.

On April 15, the United Kingdom-based owner of the English-language Kyiv Post fired chief editor Brian Bonner after a he ran a story critical of the agriculture minister. The firing led to a public outcry and a strike by the paper's staff. On April 21, the owner rehired Bonner, but as part of a new four-person editorial board.

In August the Kharkiv television station ATN went off the air, followed on September 14 by the stations A/TVK and Fora. The immediate cause was the refusal of intermediary companies to relay the stations' signals. ATN attempted to send signals with its own radio transmitter, but the local sanitary office denied the required health certificate, citing the supposed negative health effects of the transmissions. ATN was owned by an opposition politician who narrowly lost the Kharkiv mayoral election in 2010. ATN alleged that the mayor pressured the intermediary companies not to transmit the station's signal and also ordered the sanitary office to deny the needed certificate. The stations remained off air at year's end.

Libel Laws.—Libel is considered a civil offense, and the law limits the amount of damages that may be claimed in libel lawsuits; the press can publish inoffensive, nonfactual judgments, including criticism, without penalty, and public officials enjoy fewer legal protections from criticism than other citizens.

Local media observers expressed concern over high monetary damages that were demanded, and sometimes awarded, for alleged libel. Government entities and public figures in particular continued to use the threat of civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press and investigative journalists.

On November 1, a new libel law took effect that reduced the monetary bond required to initiate a libel case. Local media analysts expressed concern about the new law because the previous law protected media companies from potentially bankrupting libel suits by requiring plaintiffs to deposit 10 percent of the claimed damages. This in effect dramatically reduced the number of lawsuits against media companies and journalists. The new law reduced the bond to a set fee of 2,955 hryvnias ($370), regardless of the amount of damages claimed.

Internet Freedom.—There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. However, law enforcement bodies engaged in Internet monitoring. While online media remained free of direct state control, there were at least two cases of interference by law enforcement agencies with prominent bloggers and online publications.

On January 12, police searched the apartment of well known blogger Olena Bilozerska and seized her computer, laptop, camera, and video camera. The search was reportedly triggered by a video made by a radical group that Bilozerska re-

posted on her blog, showing an arson attack on the Party of Regions office in Kyiv. The police previously searched her apartment in March 2010.

On June 25, police opened a criminal investigation against the news Web sites Ukrainska Pravda and Korrespondent.net after a member of parliament from the Party of Regions complained about threats contained in comments posted by readers. On June 30, police questioned journalist Serhiy Leshchenko of Ukrainska Pravda and demanded that the operators of the Web site reveal information from their servers. However, there was no further legal action in the case at year's end.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution generally provides for freedom of assembly. According to local NGOs, however, the government frequently infringed on this right by influencing members of the judiciary to side with local and national governments in challenging the legality of planned protests.

According to the constitution, organizers must inform authorities in advance of a planned demonstration. After notice is given, local authorities have the option to challenge the legality of the protest in court. The courts have wide discretion either to allow or refuse permission on grounds of protecting the public from a possible disturbance or crime.

According to the leader of the initiative "For Peaceful Protest," Volodymyr Chemerys, during the year courts sided with local authorities in 94 percent of cases to deny permission to the protesters. In 2010 the denial rate was 83 percent. Although there are no official numbers, according to numerous NGO sources, the denial rate for protests that were challenged in Kyiv was close to 100 percent.

In cases where protests were not challenged in court, or when protests were conducted in violation of a court order, the government deployed disproportionate numbers of police, sometimes greater in number than protesters. This significantly discouraged public participation. In contrast, police generally allowed progovernment protests to proceed undisturbed.

On May 9, the Kharkiv Human Rights Protection Group (KHPG) released a report outlining its concerns over trends in violations of basic human rights, including freedom of assembly. According to KHPG, there were "far more" violations of freedom of peaceful assembly during all of 2010 and the first five months of the year than in the period between 2005 and 2009.

On August 24, an estimated 13,000 opposition activists rallied to mark the 20th anniversary of the country's independence from the Soviet Union and to protest the arrest of former prime minister Tymoshenko. Demonstrators attempting to march on the president's office were prevented by police in riot gear who outnumbered the peaceful protesters.

On November 18, a court supported a petition from the Kyiv city council to ban mass gatherings by opposition and progovernment groups on the city's central square that were planned for November 22. Police blocked opposition protesters from setting up tents but allowed some 400 progovernment protesters to set up and use sound amplifying equipment. The police presence was heavy, but no arrests were made.

Freedom of Association.—The constitution and the law provide for freedom of association. While the government generally respected this right in practice, some restrictions remained. Although there were extensive registration requirements for organizations, there were no reports that the government used them during the year to disband existing organizations or to prevent new ones from being formed.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl//irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation and the government generally respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection to asylum seekers, stateless persons, and other persons of concern.

Citizens who wished to travel abroad were able to do so freely. The government could deny passports to individuals in possession of state secrets, but denials were rare and could be appealed.

Protection of Refugees.—Access to Asylum.—The country's laws provide for granting of asylum or refugee status, and the government has established a system for

providing protection to refugees. In practice, however, authorities failed to provide effective protection for refugees and asylum seekers.

On July 8, the parliament adopted a law on refugees and persons in need of complementary or temporary protection. The law contains provisions designed to improve and streamline procedures for seeking asylum. In particular, it provides that asylum seekers be issued documents which identify them as asylum seekers lawfully present in Ukraine; recognizes minor children as refugees simultaneously with their adult parents; and grants permanent residence immediately after recognizing individuals as refugees, which facilitates their integration in Ukrainian society. The UNHCR noted that the law was not completely in line with international standards, in particular because the definition of "persons of concern" entitled to complementary protection was narrower than in the EU Qualification Directive. Under this law only those who actively apply for asylum are considered "persons of concern" and entitled to complementary protection. Those who do not apply for asylum are not considered "persons of concern," even though they may be in need of international assistance.

In December 2010 the president abolished the State Committee for Nationalities and Religions (SCNR) and established the State Migration Service (SMS) as part of wide-ranging administrative reforms to reduce the size of government. Coordinated by the Ministry of Internal Affairs, this central executive body is responsible for migration management. As of October, regional offices of the SCNR were being shut down; however, the SMS had yet to set up its regional offices. These changes, together with the implementation of the new law on refugees, resulted in processing delays for those seeking refugee and asylee status.

During the first nine months of the year, the SMS received 523 asylum claims. At year's end 170 asylum decisions had been issued. Furthermore, according to the UNHCR, the reshuffling of ministerial positions and responsibilities led to a complete halt in all asylum processing for at least four months.

Administrative courts responsible for reviewing appeals of denied asylum applications were overwhelmed by a backlog of cases, leading the Kyiv Administrative Court of Appeals to postpone its review of deportation appeals until 2012.

There are no legal provisions for voluntary return. However, the local office of the International Organization for Migration (IOM), in cooperation with the State Border Guards Service (SBGS) and the Ministry of Internal Affairs, continued to operate a program on assisted voluntary return to help stranded migrants and failed asylum seekers to return to their countries of origin. Five local NGOs in the Mukachevo, Chernihiv, Odesa, Kharkiv, and Volyn oblasts participated in the voluntary return program.

Nonrefoulement.—The government provided some protection against the expulsion or return of refugees to a country where there was reason to believe their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group or political opinion. However, there were some exceptions. During the year the UNHCR recorded three incidents involving the expulsion of 13 individual asylum seekers or refugees, compared with six individuals in 2010. Incidents included cases in which individuals were denied access to the territory of Ukraine.

In March Russian environmental activist Denis Solopov sought political asylum in the country. While he obtained refugee status from the UNHCR, Ukrainian authorities denied his asylum application. Because Solopov was on the international wanted list, authorities placed him under arrest pending review of Russia's extradition request. According to media reports, Solopov was released in July and went to the Netherlands, where he was granted political asylum.

Refugee Abuse.—On March 16, Amnesty International reported mistreatment of and attempts to deport eight Afghan asylum seekers detained by the SBGS in Boryspil Airport. UNHCR spokesman Maksym Butkevych stated the situation showed that "the asylum system in Ukraine does not work."

In December 2010 HRW reported that asylum seekers and undocumented migrants in the country "risk abusive treatment and arbitrary detention." Although torture was "not systemic," the testimonies of refugees, migrants, and asylum seekers indicated that it did sporadically occur. While conditions in some migration detention facilities had improved, detainees alleged that inhuman or degrading treatment, including beatings, kicking, and food deprivation occurred. "All of these abuses took place in a climate of impunity, with victims fearful of reporting the abuse and perpetrators not held to account," the report stated.

Regulations initiated by the SBGS in 2009 require foreign nationals transiting the country to Western Europe and stateless persons to posses no less than "70 subsistence levels," or 12,620 hryvnia, ($1,580) to sustain their stay in the country. In Sep-

tember 2010 the UNHCR stated that this change "should not affect access to the asylum procedure or undermine the nonrefoulement principle."

Human rights groups noted that the current law on refugees does not expressly provide protection for war refugees, victims of indiscriminate violence, or failed asylum seekers who could face the threat of torture or loss of life or freedom if deported.

According to the UNHCR and local human rights groups, the complicated and burdensome registration system often left asylum seekers without documents during the protracted review of their cases and the appeal process. This left them vulnerable to frequent police stops, detention, and fines. Refugees and asylum seekers, mainly from Africa and Asia, were at times victims of violent, racially motivated attacks. Asylum seekers in detention centers were sometimes unable to apply for refugee status within prescribed time limits and had limited access to legal and other assistance. The problem was further complicated by the lack of access to qualified interpreters to complete registration documents. In addition, some migration service centers closed as part of the administrative reform, limiting the access of asylum seekers to services.

During the year the UNHCR and local NGOs worked with approximately 138 unaccompanied children seeking asylum. The majority were not registered with asylum authorities and were unable to access appropriate services and care, leaving them vulnerable to exploitation and abuse.

The country remained a destination and transit country for migrants. According to the SBGS, 8,100 irregular migrants were identified during the year, 59 fewer than in 2010. Of that number, approximately 6,300 were not allowed into the country, and 1,800 were apprehended when illegally crossing the border. According to the SBGS, 34 Chechens and 1,493 Uzbeks were also apprehended in the first nine months of the year.

According to the Ministry of Internal Affairs, during the year 282 detained irregular migrants were held in two new facilities in Chernihiv and Volyn oblasts, compared with 350 in 2010. The Ministry of Internal Affairs reported that 205 refugees were housed in two facilities in the Trans-Carpathia and Odesa oblasts. The combined capacity of these two facilities was 270.

Durable Solutions.—Refugees who have resided in the country for three years may apply for citizenship.

Stateless Persons.—According to the law, citizenship is derived by birth, territorial origin, naturalization, restored citizenship, and adoption.

According to UNHCR estimates, there were 40,353 stateless persons in the country at the end of 2010.

Stateless persons also included an unknown number of persons who either lived in the country for decades but failed to clarify their citizenship status after the collapse of the Soviet Union in 1991 or arrived in the country as students or visitors both before and after 1991. Many did not obtain residency documents or take other steps to register according to the regulations of their country of origin.

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

The constitution and the law provide citizens the right to change their government peacefully. The law guaranteed citizens the right to vote in periodic, free, and fair elections based on universal suffrage. However, some recent elections did not meet international standards of transparency and fairness.

Elections and Political Participation.—Recent Elections.—The first round of the presidential elections took place in January 2010. International and domestic observers assessed the vote as having met most international standards. As no candidate received 50 percent of the vote, the two candidates with the most votes—Viktor Yanukovych and Yulia Tymoshenko—competed in a runoff election three weeks later. Observers assessed the runoff as largely free and fair. Yanukovych won by a narrow margin with 48.9 percent of the vote.

Local elections in October 2010 did not meet the standards for openness and fairness set by the presidential election. According to domestic and international observers, numerous procedural and organizational irregularities marred the vote. Specifically, observers noted shortcomings, such as insufficient training for electoral commission members. Other problems were attributed to a new local election law adopted two months prior to the vote. The law blocked participation of new parties, allowed for improper use of administrative resources during the electoral campaign, established unbalanced electoral commissions, and created complicated registration and voting procedures. Election observers also reported incidents of law enforcement authorities pressuring monitors and candidates and election officials selectively bar-

ring or removing candidates from ballots. The president's ruling party won clear majorities in most regions and big cities throughout the country.

On November 17, the parliament approved a new law on parliamentary elections that will take effect ahead of parliamentary elections in October 2012. The law introduced a mixed electoral system in which half of the candidates for parliament are elected from proportional party lists and the other half directly elected in single-member districts. The law also raised from 3 percent to 5 percent the percentage of the total votes required for a party to hold parliamentary seats and disallowed party blocs from running.

Participation of Women and Minorities.—There were 36 female members of the 450-seat parliament, and a woman held the post of secretary of the National Security and Defense Council. The 18-member Constitutional Court included two female justices.

The exact number of minorities in parliament and the cabinet was not available due to privacy laws.

Crimean Tatar leaders continued to call for changes in the election law to give them greater representation in the Crimean and national parliaments. The law does not allow for the creation of regional political parties, and Crimean Tatars had to join national political parties or blocs. Only one Crimean Tatar was a member of the national parliament.

In October, Refat Chubarov, the deputy leader of the Crimean Tatar Mejlis (governing body), voiced concerns that representation of Crimean Tatars, who made up 13 percent of Crimea's population, in local government continued to decrease. According to Chubarov, Crimean Tatars were represented at the level of 4-5 percent in local Crimean government. Crimean Tatars occupied seven seats in the 100-member Crimean parliament. The Mejlis was not recognized by national authorities.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, corruption was ineffectively prosecuted, and penalties were rarely imposed. Corruption remained a pervasive problem and was widespread in the executive, legislative, and judicial branches of government and in society. Government officials at all levels often engaged in corrupt practices.

On April 7, the parliament adopted the Law on Basic Principles of Prevention and Counteraction of Corruption, which entered into effect on July 1. The law expanded the list of persons that can be found liable for corruption to include (in addition to civil servants) persons who provide public services, such as notaries, and aides to parliamentarians. It introduced a requirement for public officials to declare their income and expenses and restricted the ability for officials to receive gifts, employ close relatives, or use information they learned in the course of their work for personal gain. The law tasked the Ministry of Justice with designing and maintaining a database of persons guilty of corruption.

On May 27, GRECO (the Council of Europe's Group of States against Corruption) expressed concern that the country's anticorruption efforts lacked an overall, independent anticorruption body and a detailed plan of action for the implementation of the National Anticorruption Strategy.

In April 2010 President Yanukovych announced that the Prosecutor General's Office had opened more than 30 criminal cases against members of the previous government. Opposition politicians and human rights groups claimed the cases were politically motivated. Domestic and international observers also raised concerns about the charges noting that while the government had a right to investigate corruption, the prosecution should not be selective or politically motivated. President Yanukovych refuted the charge of selective prosecution and stated that, "hundreds of criminal cases have been launched against representatives of current and previous administration." However, these officials do not include any high-ranking officials of the current government.

The trials of five former government officials on corruption charges and abuse of authority continued at year's end. Georgiy Filipchuk and Anatoliy Makarenko were released from pretrial detention and prohibited from travel. Yevhen Korniychuk was amnestied. Two others remained in custody, former internal affairs minister Lutsenko and former acting defense minister Valeriy Ivashchenko, who has been in custody since August 2010.

On January 21, the Crimean prosecutor's office started a criminal case against Anatoliy Hrytsenko, a member of the Party of Regions and former speaker of the Crimean parliament, on charges of sanctioning fraudulent privatization of state-owned lands between 2001 and 2005. Hrytsenko was arrested on January 25 and remained in custody at year's end.

Police corruption remained a problem. The Prosecutor General's Office reported that during the year prosecutors initiated and forwarded to courts criminal corruption cases against 385 police officers, 120 tax officials, 36 customs officers, 18 prosecutors, six Security Service officers, five border guards, and 86 penitentiary service officers.

Judges are immune from prosecution and may not be detained or arrested unless parliament rescinds their immunity. During the year the Prosecutor General's Office confirmed that it had initiated 33 corruption cases against judges and forwarded 35 corruption cases against judges to court. During the year 16 judges were found guilty of wrongdoing, 12 were convicted of bribery, one of knowingly issuing an unjust decision, and three of abuse of power or office.

On September 20, the Kyiv International Institute of Sociology released the results of a survey on corruption in the country: 60 percent of respondents indicated they had been involved in corrupt transactions with government officials in the previous 12 months.

The constitution and the law authorize public access to government information unless it pertains to national security. Government bodies are required to respond to requests within 10 days and to provide information within 30 days. Denials can be appealed to a higher level at the agency concerned and then to a court. However, access to official information remained difficult. Government officials often did not understand the law and at times withheld information.

In April a new law on access to government information came into force that requires government officials to provide information to the public upon request. However, local media and NGOs reported that the government's implementation of the law had been uneven, and there were reports that officials refused to provide requested information.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, government officials were not uniformly cooperative or responsive to their views, and in some instances a climate of mistrust existed between the NGOs and officials. Despite reports of intimidation by the SBU, NGOs continued openly to criticize the government's human rights performance.

On May 17, the parliament passed the first reading of the draft law on NGOs to simplify registration requirements and remove restrictions on their activities. Civil society groups, which took active part in developing the draft, welcomed the step and urged the parliament to adopt the law. The draft legislation did not advance further in parliament during the year and was not adopted by year's end.

Government Human Rights Bodies.—The constitution provides for a human rights ombudsman, officially designated as the Parliamentary Commissioner on Human Rights. On January 14, human rights ombudsman Nina Karpachova presented a constitutionally mandated report to parliament on the human rights situation in the country in 2010. Human rights groups criticized the report for being too short, and the ombudsman for poor cooperation with human rights organizations and not opening regional offices. They acknowledged that the ombudsman's office was active but expressed concern that its efforts were not leading to systemic changes.

According to the ombudsman's office, 164,146 persons filed complaints with the office during the year. Of that number, approximately 45 percent related to civil rights, in particular the right to a fair trial, abuse by law enforcement personnel, and timely implementation of court rulings. The remaining complaints involved violations of social rights (15 percent); economic rights (13 percent); individual rights (13 percent), including right to life, respect for personal integrity, and prohibition of torture in detention; and political rights (12 percent).

A parliamentary committee on human rights, national minorities, and interethnic relations continued to operate during the year. The committee's subcommittees work on issues such as interethnic relations, gender policy, indigenous peoples, national minorities and ethnic groups, deported persons, victims of political repression, ethnic policy, prevention of domestic conflict, refugees, and migration.

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

The law prohibits discrimination based on race, gender, language, social status, or other circumstances. However, both governmental and societal discrimination persisted, and the government did not effectively enforce the prohibitions. The constitution and law prohibit discrimination based on race, skin color, and ethnic and social origin. The law criminalizes deliberate actions to incite hatred or discrimination based on nationality, race, or religion, including insulting the national honor

or dignity of citizens in connection with their religious and political beliefs, race, or skin color.

Women.—Rape and Domestic Violence.—The law prohibits rape but does not explicitly address spousal rape. A law against "forced sex with a materially dependent person" may allow prosecution for spousal rape. According to the Ministry of Internal Affairs, during the year police recorded 586 incidents of rape or attempted rape, a decrease of 2.3 percent from the same period in 2010.

Domestic violence against women remained a serious problem. Spousal abuse is illegal but was common. Advocacy groups asserted that the percentage of women subjected to physical violence or psychological abuse at home remained high.

The law permits the administrative arrest of a person for up to five days for offenses related to domestic violence.

During the year the Ministry of Internal Affairs recorded 162,768 complaints of domestic violence, including 81,304 men and 5,876 women placed under police supervision for domestic violence. At year's end, according to the Ministry of Internal Affairs, 109,468 persons were under police supervision for domestic violence, compared with 102,133 in 2010.

Police issued 76,100 warnings and 3,700 protective orders related to domestic violence in the first nine months of the year. During the same period, administrative charges were brought against 98,928 individuals for domestic violence and for disobeying protective orders.

The law requires the government to operate a shelter in every major city, but in practice it did not, in part due to the lack of municipal funding.

According to the Ministry of Social Policy, there were 21 centers for social-psychological assistance and 15 assistance centers for mothers and children in 18 oblasts, Crimea, and the cities of Kyiv and Sevastopol. During the year these centers provided assistance to 7,722 persons, of whom at least 226 were victims of domestic violence. Additionally the centers provided telephone consultations to 5,526 callers. NGOs operated additional centers for domestic violence victims in Vinnytsia, Donetsk, Zhytomyr, Odesa, Chernihiv, Poltava, Sumy and Khmelnytskiy oblasts.

According to women's advocacy groups, privately and municipally funded shelters were not always accessible. Some did not function throughout the year, and shelters in Kyiv did not admit women who were not registered as Kyiv residents. Government centers offered only limited legal and psychological assistance to victims of domestic violence.

Sexual Harassment.—The law on equal rights and opportunities puts sexual harassment in the same category as discrimination; however, women's rights groups asserted that it does not contain an effective mechanism to protect against sexual harassment. Women's groups reported that there was continuing, widespread sexual harassment and even coerced sex in the workplace.

While the law prohibits coercing a "materially dependent person," which includes workers and employees, to have sexual intercourse, legal experts regarded the safeguards against harassment as inadequate. La Strada-Ukraine, an NGO that focuses on gender issues, operated a national hotline for victims of violence and sexual harassment. During the year 12,162 persons called the hotline for assistance. Of that number, 4.7 percent of the calls related to sexual violence.

Sex Tourism.—Sex tourism remained a problem; however, there were no official statistics on its extent. On June 29, Kateryna Levchenko, president of La Strada-Ukraine, stated in interview with the BBC that the number of visitors for sex tourism continued to grow. During the year a local feminist group, FEMEN, held demonstrations against the increase of sex tourism in the country. In 2009 then internal affairs minister Lutsenko stated in an interview with Segodnya that "Ukraine is becoming a paradise for sex tourism."

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There are no restrictions on the right to access contraceptives.

Quality prenatal and postnatal care remained inaccessible to many women because state-funded clinics were underfunded and lacked quality equipment and services in private clinics were expensive. According to the Ministry of Health, the maternal mortality rate was 17.6 per 100,000 births during the year. Some of the reproductive health concerns affecting the system included rapidly growing rates of sexually transmitted infections including HIV/AIDS, poor quality sexual and reproductive health services in state-funded hospitals, low awareness of modern contraceptives, and the expense of high-priced medical services in private clinics that made them inaccessible to large groups of local residents.

Men and women received equal access to diagnosis and treatment for sexually transmitted infections, but local health NGOs and clinics reported that women were more likely than men to seek treatment and refer their partners. Romani rights groups reported that Romani women experienced racial discrimination in standards of medical care and lacked access to information on health matters.

Discrimination.—Under the law women enjoyed the same rights as men, including equal pay for equal work, a principle that generally was observed. However, industries dominated by female workers had the lowest relative wages. Women received lower salaries due to limited opportunities for advancement and the types of industries in which women were employed.

Children.—On August 11, President Yanukovych signed a decree creating the position of a president's ombudsman for children's rights. The envoy monitors compliance with the country's domestic and international commitments on children's rights, participates in developing presidential decrees and draft laws on this subject, and works with the public to inform about the rights and interests of children.

Birth Registration.—Citizenship is determined by birthplace or parentage. A child born on the territory of the country in a family of stateless persons residing permanently in the country is a citizen. The law requires that parents register a child within a month of birth.

Education.—While education was free, universal, and compulsory until age 15, the public education system continued to suffer from chronic underfunding, and children from poor families continued to drop out of school before turning 15.

According to a 2009 report by a coalition of 14 children's rights NGOs, more than 20,000 children did not attend school in the period 2002-08. Many children were employed in agriculture and illegal coal mines or, in some cases, forced by their parents to beg. NGOs reported that a lack of schooling remained a significant problem among the rural population and within the Romani community. In some cases rural schools were closed due to the small number of school-age children, forcing children to travel long distances, often at personal expense, to attend schools in other villages.

Child Abuse.—Children continued to be victims of violence and abuse. According to the Ministry of Internal Affairs, in the first 11 months of the year, 9,926 minors were victims of crime, including 57 of intentionally inflicted bodily injury. The Ministry of Internal Affairs also recorded 124 cases of child rape and 256 cases of corruption of minors during the first 11 months of the year.

The law sets penalties of up to three years in custody for forcing children into begging.

Child Marriage.—The minimum age for marriage is 17 for women and 18 for men. The law provides that a court may grant a child as young as 14 permission to marry if it is in the child's interest. According to UNICEF statistics, 10 percent of women between the ages of 20 and 24 reported being married or in a union before they were 18. Romani rights groups reported that early marriages involving girls under 18 were common within the Romani community.

Sexual Exploitation of Children.—Commercial sexual exploitation of children remained a serious problem. Domestic and foreign law enforcement officials reported that a significant amount of child pornography on the Internet continued to originate in the country. In her statement on June 1, human rights ombudsman Karpachova quoted Interpol statistics that estimated the domestic child pornography market to be worth $100 million per year. Karpachova also stated that in the past five years close to 3,000 persons were convicted of sexual crimes against children.

The law uses an internationally recognized definition of child pornography. The courts have the authority to limit access to Web sites that disseminate child pornography and to impose financial penalties and prison sentences for those running the Web sites.

The minimum prison sentence for child rape is 10 years. Molesting children under 16 is punishable by imprisonment for up to five years. The same offense committed against a child under 14 is punishable by imprisonment for a term of five to eight years.

Displaced Children.—According the Ministry of Education, Science, Youth and Sports, as of November there were 117 children shelters and assistance centers across the country in all oblasts and the cities of Kyiv and Sevastopol. The shelters had a capacity for 4,243 children; during the first nine months of the year, 10,700 children came to these shelters.

International Child Abductions.—The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—According to government census data and international Jewish groups, an estimated 103,600 Jews lived in the country, or approximately 0.2 percent of the population. Local Jewish leaders estimated the number of persons with an ethnic Jewish heritage to be as high as 370,000.

There were a number of acts of anti-Semitism, some involving vandalism of Jewish property. According to the Association of Jewish Organizations and Communities of Ukraine (VAAD), there were 11 incidents of vandalism during the year compared with 16 incidents in 2010 and 19 incidents in 2009. There were no reports of violent incidents of anti-Semitism during the year.

In April paint was thrown on a Jewish community building in Sumy. Other acts of vandalism during the year targeted a Holocaust monument in Lviv Oblast in March, a synagogue in Yevpatoriya in March, and a Holocaust memorial in Feodosia in June.

At year's end there were no reports that authorities had identified suspects or made arrests in cases of vandalism against Jewish property in 2010, which included paint splashed on the monument marking the birthplace of Rabbi Menachem Schneerson in Mykolayiv.

Members of marginal populist and nationalist parties and organizations continued to make occasional extremist, intolerant, and anti-Semitic statements. Spray-painted swastikas were a common sight throughout Kyiv.

According to representatives of the Jewish community in Kherson, the trial of Serhiy Kyrychenko—who made frequent anti-Semitic remarks in media appearances—continued at year's end. Kyrychenko accused Jews of robbing the country's people and plotting to enslave Ukrainians and exterminate Slavs. A judge ordered Kyrychenko to undergo a psychiatric evaluation, but he filed appeals and motions, which delayed the case. In November 2010 the National Television and Radio Broadcasting Council warned the Kherson Television and Radio Company about racist and anti-Semitic remarks Kyrychenko made in 2009 on a local radio show.

Anti-Semitic articles continued to appear in small publications, although their number and circulation continued to decline. According to VAAD, 18 anti-Semitic articles were published in major print media outlets during the year compared with 25 in 2010 and 46 in 2009.

Senior government officials and politicians from various political parties continued efforts to combat anti-Semitism by speaking out against extremism and social intolerance and by criticizing anti-Semitic acts.

The Ministry of Foreign Affairs, Ministry of Internal Affairs, State Border Guard Committee, State Customs Service, State Committee for Tourism, and other agencies cooperated to support Jewish pilgrimages to the burial site in Uman of Rabbi Nakhman, founder of the Bratslav Hasidic movement. According to media reports, approximately 26,000 pilgrims traveled to Uman in September. Growing numbers of Jewish pilgrims visited burial sites of prominent spiritual leaders in Medzhybizh, Berdychiv, and Hadyach.

During the year VAAD reported a spike in anti-pilgrimage and anti-Semitic rhetoric in Uman. In June and July a group called "My Umanchany" (We are Uman residents) organized several rallies against an annual Jewish pilgrimage to the city. In mid-September another group wrote a letter to President Yanukovych proposing to transfer Rabbi Nakhman's remains to Israel to prevent conflicts with pilgrims. At the end of September the right-wing political party Svoboda and the right-wing group Sokil announced their plan to hold a march called "Uman without Hasidim." The court banned this march and police dispersed the Svoboda protesters, briefly detained 67 people, and issued them citations for violating the court order.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and other state services; however, the government generally did not enforce these laws.

As of January, according to the State Committee for Statistics, the number of persons with disabilities was 2,709,982, including 165,121 children. NGOs complained that the government did not allocate adequate resources to help those with disabilities.

According to Semen Gluzman of the Ukrainian Psychiatric Association (UPA), patients in mental health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to the UPA, insufficient funding, the absence of public watchdog councils at psychiatric hospitals, patients' lack of access to legal counsel, and poor enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

According to the law, employers must allocate 4 percent of employment opportunities to persons with disabilities. NGOs noted that many of those employed to fill these positions received a nominal salary to meet the requirement but did not actually work at their companies. During the first nine months of the year, 7,900 persons with disabilities received jobs through government employment-placement services, according to the Ministry of Social Policy.

The Ministry of Education confirmed there were 382 specialized secondary schools and boarding schools with a total of 46,327 children, as well as 40,371 classes with inclusive education serving 69,621 children with special educational needs. In general secondary schools there were 508 classes for children with disabilities serving 4,845 children.

Advocacy groups maintained that despite existing legal guarantees most public buildings remained inaccessible to persons with disabilities. Access to essential services and activities such as employment, education, health care, transportation, and financial services remain difficult. NGOs expressed concern over the lack of programs to promote the integration of students with disabilities into the general student population and noted that the lack of needs assessment programs by state-funded employment centers led to the placement of graduates with disabilities in inappropriate jobs.

National/Racial/Ethnic Minorities.—Mistreatment of minority groups and harassment of foreigners of non-Slavic appearance remained a problem, although NGO monitors reported that hate crime incidence continued to decrease. While incitement to ethnic or religious hatred is a crime, human rights organizations stated the requirement to prove actual intent, including proof of premeditation and intent to incite hatred, made its legal application difficult. Police and prosecutors generally prosecuted racially motivated crimes under laws against hooliganism or related offenses.

The government acknowledged that racism and ethnically motivated attacks were a problem. However, some officials continued to minimize their seriousness, maintaining that xenophobia was not a problem and violent attacks were isolated incidents. Law enforcement authorities often recommended that Africans studying in the country stay at home after dark and generally stay away from areas where young people congregate.

No official statistics were available on the number of racially motivated attacks. However, the Diversity Initiative monitoring group, a coalition of international and local NGOs headed by the IOM mission in Kyiv, reported 23 attacks involving 40 victims during the year. During the same period in 2010, seven attacks were reported. According to the Diversity Initiative, police initiated eight criminal cases in the attacks they documented during the year.

According to the Prosecutor General's Office, courts received three cases involving criminal intent to incite hatred, and investigations into three other cases remained pending at year's end. During the year five persons were found guilty of violating the law against inciting hatred, compared with three in 2010 and four in 2009. According to the Prosecutor General's Office, four of the five people received amnesty and the fifth person was freed because of "active repentance." The IOM noted that members of law enforcement agencies are generally poorly trained on the application of the law against inciting hatred, and police generally applied laws against hooliganism to make arrests in such cases.

The criminal code provides increased penalties for hate crimes. Premeditated killing on grounds of racial, ethnic, or religious hatred carries a 10- to 15-year prison sentence. Other hate crimes can be punished by a fine from 3,400 to 8,500 hryvnias ($425 to $1,063) or up to five years in prison.

Advocacy groups asserted that police occasionally detained dark-skinned persons and subjected them to far more frequent and arbitrary document checks. At times victims of xenophobic attacks were prosecuted for acting in self-defense.

Some of the most active xenophobic groups were the unregistered Ukrainian National-Labor Party, the Patriots of Ukraine organization, the Ukrainian Movement against Illegal Immigration, White Power-Skinhead Spektrum, the country's branch of Blood and Honor, and the World Church of the Creator Ruthenia. Such groups appeared to be marginal and poorly organized.

Roma continued to face governmental and societal discrimination. Romani rights groups estimated the country's Romani population to be between 200,000 and 400,000. Official census data placed the number at 47,600. The discrepancy was due in part to a lack of legal documentation and poor record keeping in the Romani community. According to experts, there were 200 Romani NGOs, of which two were national.

Approximately two-thirds of Roma were illiterate, 15 percent were infected with tuberculosis, and 60 percent of Romani children in Trans-Carpathia were infected

with tuberculosis. One-third of Roma had no funds to pay for medicine or doctors' services.

Representatives of Romani and other minority groups claimed that police officials routinely ignored and sometimes abetted violence against Roma and referred to Romani ethnicity in crime reports. Romani rights NGOs reported several incidents in Lviv Oblast, where police entered Romani settlements, detained men, and brought them to police stations for fingerprinting and identification. According to these reports police did not identify the reason for detention or fingerprinting and mistreated the detained Roma.

There were fewer reports of government cooperation with the Romani community than in 2009. The chairman of the Roma Congress of Ukraine, Petro Hryhorychenko, was formerly a member of the presidential council on ethnic-national policy and a member of the NGO advisory council with the SCNR.

The constitution provides for the free development, use, and protection of Russian and other minority languages. According to the Ministry of Education, 1,149 educational facilities used Russian as the main language of instruction, serving 685,806 schoolchildren. According to ministry figures, 1,242,184 students studied Russian as a separate subject in secondary schools, and 13,147 secondary school students studied Russian as an extracurricular course.

Ukrainian and Crimean Tatar minorities in Crimea continued to complain of discrimination by the ethnic Russian majority on the peninsula and in Sevastopol. They urged that the Ukrainian and the Crimean Tatar languages be given a status equal to Russian.

As of January 1, the Crimean Republican Committee for Interethnic Relations reported that approximately 264,500 registered Crimean Tatars lived in the country, including in Crimea and in Kherson Oblast.

According to the committee, Crimean Tatars resided in 300 settlements on the Crimean Peninsula, and authorities allocated 24.9 million hryvnias ($3.1 million) for their integration during the year. Crimean Tatars asserted that discrimination by local officials deprived them of equal opportunities for employment in local administrations and that propaganda campaigns, particularly by pro-Russian groups, promoted hostility against them. On October 5, during a meeting with the representatives of the diplomatic community of Ukraine, Mustafa Jemilev, the chairman of the Crimean Tatar Mejlis, warned of increasing discrimination against Crimean Tatars. He stated that many Crimean Tatars were beginning to think that the "government considers them as second class people."

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The lesbian, gay, bisexual, and transgender (LGBT) community continued to suffer societal stigma and discrimination. Those who openly declared their sexual orientation experienced discrimination in education, the workplace, and access to medical treatment and to information on the prevention of HIV/AIDS.

According to the registered LGBT rights group Our World (Nash Mir), law enforcement representatives were involved in 69 identified instances of discrimination against gay men and lesbians during 2010-11. The group also maintained that police mistreated and collected personal data on gay men and lesbians, while the Ministry of Internal Affairs ignored homophobic attitudes among its personnel.

On February 20, according to the Nash Mir, there was an incident in Makiivka, Donetsk oblast, in which several young men broke into a room where a Christian LGBT organization was making a presentation, threw firecrackers, and shouted homophobic slogans. The head of the organization filed a complaint with police. As of October the police had not announced the results of the investigation.

Other Societal Violence or Discrimination.—Persons with HIV/AIDS faced discrimination and at times lacked access to treatment. The All-Ukrainian Network of Persons Living with HIV continued to note that persons with HIV/AIDS faced discrimination in the workplace, job loss without legal recourse, harassment by law enforcement officials and prosecutors, social isolation, and stigmatization.

HIV service providers reported that police checks of substitution therapy clinics, which began at the end of 2010, continued throughout the year. On January 18, the Ministry of Internal Affairs issued an order for law enforcement to collect personal data of patients enrolled in opiate-substitution programs. According to HRW, police raided drug treatment facilities, demanded that patients disclose confidential information, "including their HIV status and criminal records," and ordered that HIV service providers surrender their project documents, "effectively paralyzing essential HIV prevention and outreach programs for drug users."

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers with the right to form and join unions without previous authorization. By law all trade unions have equal status, and the establishment of a trade union does not require government permission.

The law provides for the right of workers to strike on condition that a strike does not jeopardize national security, public health, or the rights and liberties of others. The right was generally respected in practice. The right to strike does not apply to personnel of the Prosecutor General's Office, the judiciary, armed forces, security services, law enforcement agencies, the transportation sector, or public servants. Personnel from these entities may seek redress through the judicial system.

Federations and confederations of unions are not entitled to strike. A strike may be organized only if two-thirds of the workers of an enterprise vote for it, which trade unions considered to be an unfairly high threshold. The law permits trade unions to organize and participate in collective bargaining. It calls for joint worker-management commissions to resolve differences over wages, working conditions, and the rights and duties of management at the enterprise level. The National Mediation and Reconciliation Service mediates labor disputes. There are no legal mechanisms to prevent antiunion discrimination.

The right to form unions was generally respected in practice. To function, a union must be registered by the government. Unions reported that the registration process was extremely burdensome, entailing payments of multiple fees and visits to as many as 10 different offices. The International Trade Union Confederation (ITUC) characterized the registration requirement as "a restriction unacceptable by international labor standards." Unions affiliated with the Federation of Trade Unions (FPU), which inherited assets from Soviet-era unions, have enjoyed an advantage in organizing workers.

In addition, the recent passage and implementation of the Social Dialogue Law has increased the burden on smaller and independent unions to meet representation criteria to take part in tripartite negotiations, participate in social insurance programs and represent labor at a national and international level. While this does not directly impact workers' freedom of association, it affects the ability of smaller independent unions to effectively represent their members' interests by limiting which unions meet criteria. The ITUC published an opinion in December indicating its doubt as to the true independence and objectivity of the agency that determines which unions meet the Social Dialogue's representation criteria.

Unions not affiliated with the FPU, including the Confederation of Free Trade Unions of Ukraine (CFTU), continued to be denied a share of the former Soviet trade unions' real estate and financial holdings. These included social insurance benefit funds, which gave the FPU a benefit that independent unions could not offer. Leaders of non-FPU trade unions and some government officials claimed that the FPU improperly sold some Soviet-era assets to thwart their future distribution. While a 2007 parliamentary moratorium on the FPU's sale of property remained in place during the year, the current government dissolved a commission formed during the previous administration to inventory union assets. On the whole, the manner in which the law was applied disadvantaged the bargaining process against newer and more independent unions and favored FPU-affiliated unions.

The joint worker-management commissions were not always effective, and enforcement was uneven. The commissions were at times dominated by management and union representatives co-opted by management. Renouncing membership in an FPU-affiliated union and joining a new union was bureaucratically onerous and typically discouraged by management.

In practice the right to organize and bargain collectively was not always respected. Members of a major CFTU-affiliated union were pushed out of collective bargaining negotiations and the signing of a branch agreement with the Ministry of Education, Science, Youth, and Sports. The ministry later concluded the branch agreement with the FPU-affiliated union alone. The CFTU-affiliated union succeeded in postponing the branch agreement registration process and was not a party to it at year's end.

Another CFTU-affiliated union was kept from joining a previously signed branch agreement between the FPU and the Ministry of Health. The ministry refused the CFTU union's accession to the agreement, justifying the decision based on the new Social Dialogue Law. Union representatives reported that an independent health care union attempted to join a branch collective bargaining agreement concluded with an FPU affiliate but was denied without justification in June.

Members of CFTU-affiliated unions claimed that management sometimes forced them to carry out additional work assignments without compensation or threatened them with dismissal if they refused to leave their unions. There were continuing

complaints that FPU-affiliated unions deducted union dues from the salaries of workers who had chosen to join a different union.

There were several reports that employers pressured union members to leave a CFTU-affiliated union. In several instances the union member or local leader was demoted, fired, or threatened with dismissal. In one case an employee was reportedly beaten and hospitalized after refusing to leave the union. The employee appealed to local law enforcement, but the case was delayed and finally dropped.

Another employer reportedly pressured employees to write a statement relinquishing their membership in the local CFTU union. Approximately half of the company's CFTU union members left the union.

In a highly publicized situation in October, small ad hoc groups of retired Chernobyl cleanup workers that were not associated with any traditional unions petitioned and camped outside several government buildings in several cities against a possible reduction in retirement benefits. In one city in November, law enforcement forcefully disassembled a tent camp of the cleanup workers before the ad hoc group voluntarily dissolved. During the disassembly of the tent camp, a 69-year-old protester had a heart attack and died later at the hospital. The cause of the heart attack was not fully determined; local officials reported that the protester had complained earlier of chest pain.

After several months of pressure, FPU chairman Vasyl Khara resigned from his post late in the year. Labor experts believed his resignation was unrelated to any of the organization's labor activities but instead was due to ownership questions over the FPU's real estate assets. His resignation did not affect the organization's labor activities.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor; however, there were reports that women, men, and children were trafficked for labor.

Trafficked women worked as housekeepers, seamstresses, dishwashers, or workers at small and large manufacturing plants abroad. Some women with small children and persons with disabilities were trafficked abroad for begging. Men were exploited in construction and manufacturing. Internal trafficking of Ukrainian citizens and exploitation of foreigners also occurred. The IOM assisted 568 adult victims (men and women) of labor exploitation as well as 12 minors.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, but the government did not always effectively enforce the law.

The labor code sets 16 as the minimum age for most employment. Children 15 years of age may perform "light work" with a parent's consent, but the law does not clearly define the term. Children can legally do some forms of work beginning at age 14 as part of an apprenticeship in the context of vocational educational training.

The Child Labor Division of the State Labor Inspectorate under the Ministry of Social Policy is responsible for enforcing child labor laws. The Department on Adoption and Children's Rights Protection in the Ministry of Social Policy and the Criminal Police for Children's Affairs in the Ministry of Internal Affairs are responsible for identifying children in the informal sector involved in the worst forms of child labor. The Internal Affairs Ministry's Department on Cybercrimes and Trafficking is responsible for the enforcement of laws against child trafficking. The office of ombudsman for children's rights, instituted by presidential decree in August, was given official responsibility for monitoring children's rights.

The worst forms of child labor were found primarily in the informal sectors, including on family farms and in open-air markets.

The criminal code criminalizes exploiting children for labor. According to the Ministry of Health, there were very few recent or official statistics about exploitation of child labor. The most recent research on the issue of child labor was more than a decade old. The 1999 research study conducted by the State Statistics Committee and the International Labor Organization found that 350,000 children were employed, 46 percent in agriculture, 26 percent in commerce, and 19 percent in the service industry. The average age at which a child began employment was 12.

Enforcement remained inadequate to deter violations. The State Labor Inspectorate inspected 579 enterprises in September. It identified 1,065 working minors, 230 of whom were 14-15 years of age and 37 of whom were under 14. The other 798 minors were 16-18 years old. Almost all cases of labor involving children under age 14 were in the agricultural sector. The inspectorate found approximately the same number of children under age 14 involved in child labor as in 2010.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The monthly minimum wage is 1,004 hryvnias ($126), or approximately six hryvnias ($0.75) per hour. The government set the monthly subsistence income at 952 hryvnias ($119) as of December 1. Workers in the informal sector may receive wages below this established minimum.

The State Labor Inspectorate employs 551 labor inspectors nationwide (while its staff schedule contains 754 labor inspector positions) and is responsible for enforcing the minimum wage. The organization was unable to monitor all employers because its staff during the year was inadequate to conduct sufficient inspections.

Wage arrears increased slightly in the first third of the year but ended November below the January figures. According to the State Statistics Committee, arrears stood at 1.1 billion hryvnias ($138 million) at the end of November. Most arrears accumulated in industry but also significantly impacted construction, transport, communications, and agricultural enterprises.

The law provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. The law provides for double pay for overtime work and regulates the number of overtime hours allowed. However, regulations covering rest periods, maximum hours, and overtime were not always effectively enforced.

Although the law contains occupational safety and health standards, the standards were frequently ignored in practice. Lax safety standards and aging equipment caused many injuries on the job. During the first half of the year, 6,835 workplace injuries were reported, as compared with 5,628 for the same period in 2010; these included 817 job-related fatalities, compared with 644 in 2010.

During the year there were 161 mining fatalities, 23 percent more than in 2010. During this period 4,255 coal miners were reported injured. The fatality rate was two deaths per million tons of coal mined. The total number injured at work during the year was 10,657 (down 9 percent from 2010), while work fatalities during the year increased to 685, a 6 percent increase from 2010.

The law provides workers the right to remove themselves from dangerous work without jeopardizing their continued employment; however, the Solidarity Center stated that employers in the metal and mining industries often violated the rule and retaliated against workers by pressuring them to quit.

Some unions reported good cooperation with government labor inspectors. The CFTU signed a publicized memorandum of understanding with the Labor Inspectorate to cooperate more closely that gives local union leaders and health and safety specialists the right to inspect places of work jointly with labor inspectors. The Solidarity Center reported that these joint inspections proved important in the mining sector.

However, the CFTU reports that an affiliated trade union, the Independent Trade Union of Miners of Ukraine, was excluded from the special government commission that investigated the July 29 accident that killed 29 miners—including seven CFTU members—at the Sukhodilska-Skhidna coal mine. This was the highest-profile mining accident during the year and garnered the attention of the national press. The exclusion contravened the law, which includes heads of branch unions in investigative commissions. The union successfully appealed against the exclusion.

UNITED KINGDOM

EXECUTIVE SUMMARY

The United Kingdom of Great Britain and Northern Ireland (the UK) is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect representatives to the House of Commons, the lower chamber of the bicameral Parliament. They last did so in free and fair elections in May 2010. Members of the upper chamber, the House of Lords, occupy appointed or hereditary seats. Scotland, Northern Ireland, and Wales each have elected legislative bodies and devolved administrations, with varying degrees of legislative and executive powers. The UK has 14 overseas territories. Each of the overseas territories has its own constitution while the UK government is responsible for issues relating to external affairs, security, and defense. Security forces throughout the UK and its territories reported to civilian authorities.

During the year there were significant reported incidences of sexual crimes, including the sexual exploitation of children. Racial and ethnic discrimination contin-

ued to be a problem in many areas. Child labor was a reported problem, both in the UK and in some of its overseas territories.

Other human rights problems include reported deaths in prison, threatened eviction of rioters' families from their public housing after the August riots, unequal pay for equal work between men and women, child abuse, anti-Semitic crimes, relations with Travellers (a distinct nomadic ethnic group with its own history and culture), trafficking in persons, homophobic crimes, and limitations on the freedom to strike. In Bermuda the law provides no protection against discrimination based on sexual orientation or age.

The government investigated all allegations of official wrongdoing, and there were no reported cases of impunity.

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

a. Arbitrary or Unlawful Deprivation of Life.—On August 4, police shot and killed Mark Duggan during an attempt to arrest him. Circumstances leading to the shooting were unclear. An inquiry into Duggan's death, conducted by the Independent Police Complaints Commission (IPCC), continued at the end of the year.

Also in August police faced criticism when three suspects died after officers used stun guns or pepper spray while arresting them. Investigations by the IPCC into the exact causes of their deaths continued.

Police faced criticism over the use of violence against demonstrators, particularly in the 2009 death of Ian Tomlinson, a newspaper seller who died during protests in London against the G20 summit. A May 2011 inquest found Tomlinson was "unlawfully killed." Simon Harwood, the police officer who allegedly hit Tomlinson with his baton immediately prior to Tomlinson's death, was on trial for manslaughter at year's end.

In September a government-commissioned inquiry into the death of Iraqi civilian Baha Moussa released its report. The inquiry, led by retired appeal court justice Sir William Gage, examined allegations of abuse stemming from the death of Moussa in 2003 while in custody of the British military. Gage found a lack of "proper MoD [Ministry of Defense] doctrine on interrogation," leading to widespread ignorance of the law by British soldiers. His report condemned the actions of the soldiers responsible for the detainee group that included Moussa but noted that the events "did not amount to an entrenched culture of violence" throughout the rest of the British military. The Crown Prosecution Service's decision on whether to take further action based on the inquiry's recommendations was pending at year's end.

On April 3, Police Service of Northern Ireland (PSNI) Constable Ronan Kerr, a Catholic, was killed by a bomb placed under his car at his home in Omagh, Northern Ireland. Following a three-month cross-border search, police arrested five alleged members of a dissident republican splinter group for the crime. Press reports suggested that these groups, which rejected the peace agreement in Northern Ireland and sought the full reunification of the island, actively targeted Catholic members of security forces to hinder "normalization" in Northern Ireland. At year's end the trial was pending.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, including access to potable water, and the government permitted visits by independent human rights observers. The Prisons and Probation Ombudsman for England and Wales is charged with investigating complaints from prisoners, as well as deaths that occur in custody. Separate ombudsmen are charged with similar duties for Scotland and for Northern Ireland. Nonviolent offenders can receive community sentences, which can involve unpaid community work, government supervision, paying compensation to victims, and participation in alcohol or drug rehabilitation or mental health treatment.

According to the Ministry of Justice, at the end of October the prison population in England and Wales was 86,754, in a prison system with an official capacity of 76,848. Higher-than-average conviction rates for those charged with participating in the August riots in London and other UK cities boosted the prison population. According to the UK justice ministry, women made up 4.8 percent of the total prison population of England and Wales; juveniles comprised 1.8 percent. According to Inquest, a UK nonprofit organization, during the year 170 deaths were reported in prisons in England and Wales, of which 52 were classified as self-inflicted, 98 were non-self-inflicted with an additional death caused by "other non-natural causes," two

were homicides, and 17 were awaiting classification. Two deaths in custody were reported in Northern Ireland; both were young people held in Hydebank Wood.

At the end of September there were 8,167 prisoners and detainees in Scottish jails, which have an official total capacity of 7,294. Juveniles accounted for 1.6 percent of prisoners in Scottish prisons, and 5.7 percent were women. The prison population in Northern Ireland consisted of 1,673 persons of whom 3.1 percent were women, while juveniles comprised 1 percent. The official capacity of the Northern Irish penal system was 1,765 persons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, critics charged that some procedures justified by the government as necessary to combat terrorism constituted detention without charge. The law allows the government to hold terrorism suspects in detention without charge for up to 28 days.

On July 11, the Bermudian Parliament passed the Firearms Amendment Act 2011, which provides that suspects alleged to be involved in a crime with a firearm can be incarcerated in prison prior to being charged in order to ease overcrowding in police detention cells. It also passed the Bail Amendment Act 2011 authorizing police to arrest individuals if there are reasonable grounds to suspect that they are likely to breach the conditions of their bail. In addition, the law allows police to consider a suspect's safety in deciding whether to grant bail.

Role of the Police and Security Apparatus.—The national police maintain internal security and report to the Home Office. The army, under the authority of the Ministry of Defense, is responsible for external security but may be called upon to support the Metropolitan Police in extreme cases. Scotland's judicial, legal, and law enforcement system is fully separate from that of the rest of the UK. Police forces that enforce the law in Scotland report cross-border crime and threat information to the national UK police and respond to UK police needs in Scotland upon request. Scottish police forces report to the justice minister and the Lord Advocate, which is the Crown's Prosecutor in Scotland, both appointed by the Scottish government.

Civilian authorities maintained effective control over the security forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. There were allegations that police officers received cash payments from journalists at the now-defunct newspaper, the News of the World, and possibly other media outlets in return for providing contact information on private citizens. The two most senior officers of the Metropolitan Police both resigned during the year in the context of the scandal. A series of police inquiries into the allegations continued.

Arrest Procedures and Treatment While in Detention.—In most cases police must have a warrant to arrest a person. The police may make an arrest without a warrant if they have reasonable grounds for suspecting a person has committed or is about to commit one or more listed "arrestable offenses," or if a police officer believes an arrest is necessary to prevent physical injury or damage to property.

Police may detain an ordinary criminal suspect for 96 hours without charges. Detention for more than 24 hours must be authorized by a senior police official, and detention of more than 60 hours requires the approval of a magistrate. Only terrorism suspects may be detained without charge for longer than 96 hours. All detainees are entitled to counsel during this period. Detainees may make telephone calls and have legal representation, including government-provided counsel if they are indigent. Defendants awaiting trial have the right to bail, except for those judged to be flight risks, likely to commit another offense, suspected terrorists, or in other limited circumstances.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government routinely respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary routinely enforced this right. Defendants enjoy a presumption of innocence. Criminal proceedings must be public except cases in juvenile court or those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

The law generally allows for jury trials. In England, Wales, and Northern Ireland the law provides for judge-only trials when there is a "real and present danger that jury tampering would take place." Scotland allows jury trials in criminal and civil cases. Bermudian law provides for jury trials in criminal cases and for trial by judge in civil cases.

Defendants have the right to be present at their trials and to consult with an attorney in a timely manner. Indigent defendants have the right to free counsel of their choice, with some exceptions. Defendants may question witnesses against them.

Defendants have access to government-held evidence relevant to their cases, with some exceptions, such as instances in which information pertaining to a suspect relates to national security. Defendants have the right to appeal to successively higher courts.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees. However, many observers criticized the judicial process after the August riots, noting that sentences given to rioters for theft, handling stolen goods, or public order offenses were 25 percent to 40 percent longer than sentences for the same offenses committed in other contexts.

Regional Human Rights Court Decisions.—The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). During the year the court made numerous rulings involving the United Kingdom. In July the ECHR ruled that Britain violated the rights of the families of four Iraqi men killed by British forces by not investigating the deaths. In a separate ruling, the ECHR declared the UK had violated the rights of a man it interned in Iraq for three years without trial. In practice the UK government in most cases complied with the court's judgments.

Civil Judicial Procedures and Remedies.—Individuals in the UK may seek civil remedies for human rights violations and have the right to appeal decisions to the ECHR.

Bermudian law authorizes the Human Rights Commission to investigate violations of the Human Rights Act. In 2010 the commission referred no cases to a board of inquiry for adjudication; statistics were not yet available for the year.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected those prohibitions in practice. After the August riots in London and other UK cities, the local council of Wandsworth served an eviction notice on a teenage rioter and his family, who lived in public housing. Other councils, including Southwark, sent letters to rioters awaiting trial, informing them that convictions might lead to eviction notices. According to public housing tenancy agreements, tenants can be evicted if they, members of their household, or visitors engage in criminal activity. The BBC quoted the British prime minister as stating that these possible evictions were a way of "enforcing responsibility in our society." However, human rights and legal experts argued that such evictions amounted to a form of collective punishment without due process, and that any attempts by the government to implement such a policy would immediately put it at odds with its obligations under the European Convention on Human Rights. The Wandsworth council said it would pursue the eviction only if the teenager was found guilty of the riot-related charges.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and press, and the government routinely respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

During the year the continuing telephone-hacking scandal at the News of the World led to allegations of illegal practices in the media and corruption among politicians and police. Prime Minister David Cameron appointed a commission to examine these problems. At the end of the year the commission's work continued.

Internet Freedom.—There were no government restrictions on access to the Internet. Individuals and groups could engage in the expression of views via the Internet, including by e mail. During and after the August riots, police reportedly monitored social media sites such as Twitter and Facebook and received cooperation from Blackberry over its Messenger service after rioters used these outlets to organize disturbances; the media reported that some British citizens who used Facebook to incite riots were given jail sentences. Following the riots, Prime Minister Cameron suggested in public comments that the government would consider whether it would be appropriate to curtail the use of social media in similar circumstances in the future to prevent rioting. However, the Home Office ultimately stated that the government "did not seek any additional powers to close down social media networks."

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for this right, and the government routinely respected it in practice. In some cases human rights organizations criticized police for the practice of

"kettling" peaceful protesters, or forcing them into tight groups by using metal barricades.

Freedom of Association.—The law provides this right, and the government routinely respected it in practice.

c. Freedom of Religion.—See the International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government routinely respected these rights in practice. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The UK's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The government grants varying levels of assistance to refused asylum seekers, including return flights and financial assistance.

An asylum seeker whose claim is upheld is granted "refugee status" and has access to the benefits enjoyed by British citizens, including employment opportunities, health benefits, and education.

Bermuda's constitution and laws protect the fundamental rights and freedoms of the individual but do not specifically provide for the granting of asylum or refugee status, nor has the government established a system for providing protection to refugees. A refugee would be accorded all the protections, rights, and freedoms accorded to non-Bermudians and would receive benefits as a Bermudian if the government made special provisions for that refugee.

Safe Country of Origin/Transit.—The government places the burden of proof on asylum seekers who arrive from safe countries of origin, who pass through a country where they are not considered to be at risk, or who remain in the country for a period of time before seeking asylum. The law permits authorities to remove an asylum applicant to another country that is deemed responsible for adjudicating an applicant's claim. The UK is subject to the EU's Dublin II regulation and considers all other EU member states to be countries of safe origin or transit.

Nonrefoulement.—In practice the government provided protection against the return of persons to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

However, the UNHCR objected to the government's forced return of asylum seekers to areas of Iraq it considered dangerous. These returns reportedly continued from 2010.

Human rights groups including Human Rights Watch, Amnesty International, and Freedom from Torture criticized the British government for forcibly deporting to their country of origin failed Tamil asylum seekers from Sri Lanka in September. These groups alleged the asylum seekers risked detention and torture upon returning to Sri Lanka.

In November a report published by a human rights nongovernmental organization (NGO), Justice First, cited a number of cases of asylum seekers from the Democratic Republic of the Congo, forcibly returned by the UK government between 2007 and 2011, who were reportedly subjected to repression, torture, and other rights violations upon return.

Temporary Protection.—The government may also provide temporary protection to individuals who may not qualify as refugees under the categories of humanitarian protection and discretionary leave.

Employment.—Asylum seekers are not allowed to work. They receive state support at 30 percent below the normal rate for the duration of their asylum claim.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Recent Elections.—The most recent elections, for local representatives in May and for Parliament in May 2010 and in Bermuda in 2007, were held in accordance with international standards. There were no reports of abuses or irregularities.

Participation of Women and Minorities.—In the 2010 national elections 144 women were elected as members of Parliament (MPs). Women comprised 22 percent of all MPs, the highest number and proportion of female representatives in history. In Northern Ireland 20 women were elected to the Northern Ireland Assembly, making up 18.5 percent of the total 108 seats. In Scotland 35 percent of the Scottish Parliament's members were women, and women made up 40 percent of the National Assembly for Wales. Bermuda's 36-seat House of Assembly had seven women, with four women in the 11-member Senate. One-third of the British members elected to the European Parliament were women.

Four of the 23 UK cabinet posts (17 percent) were held by women. Of 119 government ministers, including the cabinet, whips, lords in waiting, and 12 unpaid positions, 19 (16 percent) were held by women. Four women (38 percent) served in Bermuda's 13-member cabinet.

There were 27 MPs, or 4 percent of the total, from ethnic minority backgrounds. In Scotland two ethnic minority candidates, or 1.5 percent of the members, were elected to the Scottish Parliament. In the National Assembly for Wales there were also two ethnic minority representatives, accounting for 3.3 percent of the total. The Northern Ireland Assembly had one minority member, or 1 percent of all members.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government routinely implemented these laws effectively. Repercussions continued from the 2009 scandal over expenses claimed by MPs, with more than a dozen lawmakers charged with false accounting and ordered to pay back thousands of pounds claimed in false expenses.

The UK publishes the names, grades, job titles and annual pay rates for most civil servants with salaries over 150,000 pounds (approximately $234,000). Government departments publish the business expenses of and hospitality received by their most senior officials. Under the ministerial code issued by the Prime Minister's Office government, ministers are expected to follow standards of conduct, including the disclosure of gifts and travel. In October, Secretary of Defense Liam Fox resigned after a report by Cabinet Secretary Sir Gus O'Donnell concluded Fox had been in "a clear breach of the ministerial code."

All MPs are required to disclose their financial interests. The Register of Members' Interests is published online and updated regularly. These public disclosures include paid employment, property ownership, shareholdings in public or private companies, and other interests that "might reasonably be thought to influence" the MP in any way.

The law provides for public access to information, and authorities generally granted access to citizens and noncitizens, including foreign media. There are exceptions to the availability of government information, including those relating to national security and defense, personal privacy, and possible risks to health and safety. There are no fees for requesting information; however, there may be a bill for materials and postal fees. There is a mechanism to appeal denials.

On June 15, the Bermuda Police Service announced that it would investigate whether former premier Ewart Brown committed any criminal offenses involving requests for commissions and board memberships. On August 3, the Bermudian Parliament passed the Good Governance Act 2011 to improve transparency and accountability.

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

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

Government Human Rights Bodies.—Parliament has a Joint Committee on Human Rights composed of 12 members selected from the House of Lords and the House of Commons. The committee undertakes inquiries into human rights matters in the country and scrutinizes legislation affecting human rights. It can call for testimony from government officials, who generally comply. During the year the committee produced reports on education, police reform, the terrorism act, and extradition policy, among others.

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

The law prohibits discrimination based on based on race, gender, disability, language, or social status, and the government routinely enforced the law effectively. The human rights commissions in England, Wales, and Scotland have mandates to

combat discrimination based on race, sex, religion and belief, sexual orientation, and age. The Bermudian constitution and laws protect the human rights of inhabitants of Bermuda, with the exception of protection against discrimination based on sexual orientation and age.

Women.—Rape and Domestic Violence.—The law criminalizes rape, spousal rape, domestic violence, female genital mutilation, and sexual harassment, and the government routinely enforced the law effectively when cases were reported. The courts imposed punishment ranging up to life imprisonment, the maximum legal penalty for rape. The law also provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for female victims of violence. The government provided shelters, counseling, and other assistance for victims of battery or rape and offered free legal aid to battered women who were economically dependent on their abusers. The Home Office reported 14,624 cases of rape of a female during the year, down 1 percent from 2010; the sanction detection rate for these offenses was 24 percent.

In March the UK launched an action plan to halt violence against women; the action plan includes 88 "cross-government actions" and commits the government to work towards changing attitudes and behaviors that condone violence against women.

In December a freedom of information request by the Iranian and Kurdish Women's Rights Organization revealed that in 2010 UK police reported 2,823 "honor attacks." Of the 39 police forces reporting, 12 also provided figures from 2009, which showed that 2010 saw a 47 percent rise in such incidents in those areas. In 2010, the last year for which data was available, the UK's Forced Marriage Unit gave advice or support related to a possible forced marriage in 1,735 instances.

In Bermuda police reported 26 cases of sexual assault in the first nine months of the year. Police estimated 20-30 reported incidents of domestic abuse per week; of these, 10-15 resulted in a formal complaint of which two or three moved forward to prosecution. In February one person received a 25-year prison sentence for a 2009 domestic abuse death.

Reproductive Rights.—Couples and individuals can decide freely and responsibly the number, spacing, and timing of children, and generally have the information and means to do so free from discrimination, coercion, and violence. Contraception, prenatal care, obstetric and postpartum care, access to family planning advice, treatment for sexually transmitted infections, and skilled attendance during childbirth were all widely available.

Discrimination.—Women enjoy the same legal status and rights as men under the judicial system. According to the World Economic Forum's Global Gender Gap report, women in the UK during the year earned 71 percent of men's earnings for similar work. The Home Office oversees implementation of the law and the Equality Strategy, which was published in June and commits the UK government to work with the private sector and civil society to promote equal treatment and equal opportunity for all.

Children.—Birth Registration.—All births must be registered within 42 days in the district where the baby was born, and unregistered births were uncommon. Local authorities have procedures for the late registration of babies. A child born in the UK receives the country's citizenship at birth if one of the parents is a British citizen or legally settled resident. Children born in Northern Ireland may opt for British, Irish, or dual citizenship. A child born in an overseas territory is a British overseas territories citizen if at least one of the child's parents has citizenship. There are special provisions for granting citizenship for persons who might otherwise be stateless. Overseas territories citizens have some restrictions regarding their ability to live and work within the UK; similarly, there are some restrictions on British citizens living and working in the overseas territories. However, Bermudians with UK passports may live and work in the UK without restrictions.

Child Abuse.—The UK government did not publish specific statistics on the incidence of child abuse every year, but it actively combated child abuse through policies to protect children from abusive adults, overhauling child protection services, and encouraging better reporting of abuse crimes.

Child protection registers contain confidential details of children who are at continuing risk of physical, emotional, or sexual abuse or neglect, and for whom there is a child protection plan. Registers cover each local authority area in the UK and are managed by individual social services departments. The latest figures available from March 2010 showed 46,705 children on child protection registers in the UK. Of these, 39,100 were in England, 2,357 in Northern Ireland, 2,518 in Scotland, and 2,730 in Wales.

In Northern Ireland 663 cases of child abuse were reported between July 2010 and June. During this period children made up 17 percent of the total number of victims of violent crime and 56 percent of the total number of victims of sexual offenses, according to the PSNI.

In Bermuda in 2010, the latest date for which statistics were available, there were 111 cases of physical abuse of children up to the age of 18. The Department of Child and Family Services substantiated 48 of the physical abuse cases. Of the rest, 34 cases were unsubstantiated, 22 were suspected, and seven were pending.

The National Society for the Prevention of Cruelty to Children (NSPCC), a leading NGO, reported that incidents of child abuse and mistreatment in the UK dropped significantly over the last decade. The NSPCC concluded that public education campaigns, heightened public awareness, and high levels of media coverage of child abuse have led to a positive attitudinal shift in how people treat children.

Sexual Exploitation of Children.—The minimum age of consensual sex in the UK is 16. In Bermuda the legal minimum age for consensual sex is 16 for heterosexuals and lesbians and 18 for gay men.

There are strict penalties for sexual offenses against children and the commercial sexual exploitation of children. The law also prohibits child sex tourism and allows authorities to prosecute citizens or residents for offenses committed abroad. Some sexual offenses carry penalties up to life imprisonment. Anyone convicted of sexual offenses must register with the police. Registrants are required to notify police any time they change their name or address, or travel outside of the UK.

As of March 2010, 34,939 individuals were registered as sexual offenders in England and Wales; however, this figure did not distinguish between offenses against adults and children. The Home Office reported that 32 percent of all sexual crimes (including rape, sexual assault, sexual activity, and sexual grooming) recorded during the year, or 17,727 incidents, were committed against children under 16. In Bermuda 115 cases of sexual abuse of children up to the age of 18 were recorded in 2010.

International Child Abductions.—The UK including Bermuda is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Due to its distinct and separate legal system, Scotland has its own independent body for dealing with Hague Convention cases and communicates directly with Hague Convention authorities.

Anti-Semitism.—The UK Jewish population numbers approximately 280,000.

Incidents of anti-Semitism against the UK Jewish community fell 13 percent in the first half of the year compared with the same period in 2010. The Community Security Trust (CST), a UK body that monitors anti-Semitism, reported that in the first half of the year there were 41 violent assaults, 35 incidents of damage and vandalism to Jewish property, and 186 incidents of abusive behavior, such as verbal abuse, hate mail, and anti-Semitic graffiti. In total there were 283 incidents in early 2011, a drop from the 325 incidents registered in the same period of 2010.

According to the CST, there were 16 anti-Semitic incidents affecting Jewish students, academics, student unions, or other student bodies in the first half of the year, compared with 28 such incidents in the first six months of 2010, a fall of 43 percent. CST figures show there were five anti-Semitic incidents affecting Jewish students or academics off campus in the first half of the year, compared with 13 such incidents in the first half of 2010.

The London-based Institute for Jewish Policy Research reported that between October 2010 and March more than 40 percent of Jewish university students witnessed or experienced an incident of anti-Semitism. Anti-Semitic language continued to be found in recent additions of textbooks supplied by the Saudi Arabian government and used to teach 5,000 pupils in private weekend schools outside of the UK's public school system.

During the year there were several incidents of football fans chanting anti-Semitic slogans during matches. In response the Football Association launched an initiative to tackle faith-based discrimination, including anti-Semitism and Islamophobia. Kick it Out, an antiracism organization, sponsored a short film starring several soccer players to address racist abuse by fans.

In December, Conservative MP Aidan Burley was removed from his post as the parliamentary private secretary to the Transport Minister after attending a party where one guest wore a Nazi uniform and some guests toasted Third Reich figures.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, ac-

cess to health care, or the provision of other state services, and the government effectively enforced this in practice.

The law requires that all public service providers (except in the transportation sector) make "reasonable adjustments" to ensure their services are available to persons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities. In August the Bermudian Parliament enacted the Human Rights (Unreasonable Hardship) Amendment Act 2011 to protect the rights of the disabled in the workplace; the act requires employers to "modify the circumstances of employment" to accommodate persons with disabilities, so long as there is no "unreasonable hardship" on the employer.

The mandate of UK's Equality and Human Rights Commission (EHRC) included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The EHRC provided legal advice and support for individuals, a hotline for persons with disabilities and employers, and policy advice to the government. It may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

National/Racial/Ethnic Minorities.—The law prohibits racial discrimination, but Travellers, as well as persons of African, Afro-Caribbean, South Asian, and Middle Eastern origin, at times reported mistreatment on racial or ethnic grounds.

On October 19, after a legal process that began in 2005, Essex police began an operation to clear an illegal Travellers' encampment at Dale Farm in Basildon, Essex. Thirty-nine protesters were arrested. Amnesty International estimated that 300 to 400 persons were evicted from the illegal settlement. Although some claimed this action was anti-Traveller, the evictions were in accordance with established legal procedures, and the Basildon Council offered alternative housing to those evicted.

In 2010/2011 the Home Office reported 2,982 racially or religiously motivated assaults with bodily harm or other injury; there were 4,058 such assaults without injury. These figures represent a 15 percent and a 6 percent decline, respectively, from 2009/2010 figures. It was frequently difficult to determine whether hate crimes had ethnic, xenophobic, or religious motives, and abuses directed at members of ethnic minorities from Muslim countries were officially reported as being "anti-Islamic."

In Scotland the August 2010 murder of a Chinese man, Simon San, continued to have a high profile. In August police issued a public apology acknowledging their failure to investigate the attack as a racist incident. Two men convicted in the attack on San were sentenced to two years in prison, while a third was sentenced to five years. The lawyer of the victim's family said the accused would have faced tougher sentences if racial bias had been considered. However, the Crown Office stated there would be no inquiry into how prosecutors handled the case.

In Bermuda there were multiple instances of graffiti and one instance of stone throwing in July and August that were aimed at Asian and Indian migrant workers. In October several vehicles belonging to Filipinos were set ablaze. An MP and Amnesty International Bermuda condemned the acts. The Human Rights Commission responded by reminding the public that every person has equal dignity and an obligation to respect the rights of others.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination and harassment based on sexual orientation; however, sporadic incidents of homophobic violence were reported. The law encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation was a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks.

During the year the Metropolitan Police reported 122 incidents of homophobic crime in greater London by July, a 16-percent decrease from the 145 incidents registered in the same period in 2010.

In Scotland racial, sexual, or other discriminatory motivation can be an "aggravating factor" in crimes. In May the Scottish Prosecution Service reported that in the year since the law came into effect, 448 charges had been made in which homophobia was an "aggravation." In 14 cases gender identity was an "aggravation." However, NGOs representing lesbian, gay, bisexual and transgender persons claimed the real rate of homophobic violence was much higher, since many victims did not report homophobic attacks to police.

In Bermuda the law does not protect against discrimination based on sexual orientation. There is no official recognition of same-sex relationships. The Bermuda Bar Association updated its professional code of conduct in December 2010 to ban

members from discriminating and extending its coverage to include protection from discrimination on the basis of sexual orientation.

Other Societal Violence or Discrimination.—There were no reports of violence against persons with HIV infection during the year.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right of workers to form and join independent unions without previous authorization or excessive requirements. The government protected this right in practice, and the law prohibits blacklisting of workers for trade union membership or activity. Workers have the right to strike. However, according to the International Trade Union Confederation, the right to strike in the UK is "limited" due to prohibitions against political and solidarity strikes, lengthy procedures for calling strikes, and the ability of employers to seek injunctions against unions before a strike has begun if the union does not observe all proper steps in organizing the strike. The law does not cover workers in the armed forces, public sector security services, police forces, and freelance or agency work.

Unions and management typically negotiated collective "agreements," which were less formal than collective bargaining contracts. Collective agreements were considered "implied" individual work contracts and were legally enforceable as such.

b. Prohibition of Forced or Compulsory Labor.—The government prohibits all forms of forced and compulsory labor, including by children, and effectively enforced these laws. However, there were some reports that forced labor by men, women, and children occurred in practice. In September, Bedfordshire police freed 24 men who had been held captive and forced to work without pay. Five people were arrested on charges of slavery offenses.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—UK law prohibits the employment in any capacity of children under 13. Those under 16 are not permitted to work in an industrial enterprise, including transportation or street trading; their work hours are strictly limited and may not interfere with school attendance. Children ages 13 to 16 must apply for a work permit from a local authority, and the local authority's education and welfare services have primary responsibility for oversight and enforcement. Authorities effectively enforced these laws. In Bermuda children under 13 may work in light work of an agricultural, horticultural, or domestic character if the parent or guardian is also the employer of the child.

The Departments of Health, Trade, and Industry, and Education and Skills have regulatory responsibilities related to child labor, and government departments enforced these laws effectively. There were reports that some children in the British overseas territories of Anguilla and Montserrat were engaged in the worst forms of child labor, specifically in commercial sexual exploitation.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—On October 1, the government increased the UK's national minimum wage. The rate varied depending on the age of the worker, starting at 3.68 pounds ($5.78) per hour for 16-17-year-olds; 4.98 pounds ($7.78) for 18-20-year-olds; and 6.08 pounds ($9.50) per hour for those 21 and over. Tax authorities may issue compliance orders against employers who are not paying the minimum wage, but employment tribunals handle disputes. The government aggressively monitored employers' compliance with minimum wage law. Unions and NGOs were also actively involved in ensuring employees' awareness of their rights. In the UK the official poverty line is defined as an income of 60 percent or less of the median annual income for a given year. According to the Joseph Rowntree Foundation, in 2009/2010 approximately 13.5 million persons in the UK were living in poverty when income was calculated after housing costs.

The law limits the workweek to 48 hours when averaged over a 17- to 26-week period; however, the regulations do not apply to senior managers and others who can exercise control over their own hours of work. There are also exceptions for the armed forces, emergency services, police, domestic workers, sea and air transportation workers, and fishermen. Workers can opt out of the 48-hour limit. The law provides for one day of rest per week, 11 hours of daily rest, and a 20-minute rest break when the working day exceeds six hours. The law also mandates a minimum of four weeks of paid annual leave, including eight national holidays. However, the average worker received five weeks of paid annual leave plus eight national holidays as part of collective agreements. An individual employee may agree through a con-

tract to work overtime for premium pay. The law does not prohibit compulsory overtime, but overtime is limited by the 48-hour-workweek restriction.

The law stipulates that the health and safety of employees not be placed at risk, and it was effectively enforced by the Health and Safety Executive (HSE), which is an arm of the Department of Work and Pensions and can initiate criminal proceedings in appropriate cases. As of April the HSE's Field Operations Department, which conducts workplace inspections, employed 1,171 persons. In 2010/2011 the HSE reported that it had instituted legal proceedings in 551 cases; 517 of those resulted in convictions, with an average fine of approximately 36,000 pounds ($56,000) per conviction. In that same period of time, the HSE also reported 171 fatalities in the workplace, 51 of which involved self-employed persons. This was an increase from the year before, when 147 workers suffered fatal injuries; 43 of those were self-employed. Sectors with the highest numbers of workplace fatalities were the construction and service sectors. There were 115,379 reported nonfatal injuries in the workplace in 2010/2011. Workers may legally remove themselves from dangerous work conditions without jeopardy to their continued employment.

Bermuda's law does not provide for a minimum wage, but it requires that work in excess of 40 hours per week be paid at the overtime rate or with compensatory time off; employees may waive rights to overtime pay. The law also requires employees have a rest period of at least 24 consecutive hours per week. It provides for paid public holidays and two weeks' paid annual leave. Regulations extensively cover the safety of the work environment and are enforced by the Department of Labor and Training.

NEAR EAST AND NORTH AFRICA

ALGERIA

EXECUTIVE SUMMARY

Algeria is a multiparty republic whose head of state and government (president) is elected by popular vote for a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister. A 2008 constitutional amendment eliminated presidential term limits, and in April 2009 President Abdelaziz Bouteflika won reelection to his third term in office. Some opposition parties boycotted the election, arguing that restrictions on freedom of association skewed the election in favor of the incumbent. Security forces reported to civilian authorities.

Riots sparked by increases in staple food prices spread across 24 of the country's 48 provinces in January. A fledgling political opposition coalition failed to garner widespread public support, and the government prevented the group from staging weekly marches in Algiers. In February the government lifted the state of emergency that had been in effect since 1992 but continued to prohibit marches in the capital and restrict freedom of association throughout the country. Beginning in March and extending through mid-April, dozens of groups staged protests and sit-ins in public spaces and in front of government ministries in Algiers, demanding higher wages, improved benefits, and better working conditions. Most protests remained peaceful and ended after the government agreed to meet most demands. In December both houses of parliament passed a series of reform laws on elections, political parties, female representation in elected bodies, associations, and media.

The three most significant continuing human rights problems were restrictions on freedom of assembly and association; the inability of citizens to change their government, notably in light of the 2008 constitutional revisions that allow the president to run for unlimited terms of office; and the failure to account for disappearances, especially those cases from the 1990s. On February 9, the government repealed the state of emergency, in force for 19 years, and subsequently adopted two ordinances that replaced provisions related to the state of emergency that allow the army to intervene in terrorist offenses and subversive acts.

Other human rights concerns were reports of unlawful killings, overuse of pretrial detention, poor prison conditions, abuse of prisoners, and lack of judicial independence. Additionally, widespread corruption accompanied reports of limited government transparency. Authorities used security grounds to constrain freedom of expression and movement. Women faced violence and discrimination, and the government maintained restrictions on workers' rights.

Impunity remained a problem. The government did not always provide public information on actions taken against police and security service officials.

The government continued to pursue terrorist groups that committed a significant number of attacks against government officials, members of security forces, and, to a lesser extent, civilians. Kidnapping for ransom—by taking European hostages—has become a key funding source for terrorist groups operating in the southern portion of the country.

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

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

During rioting in the first week in January, four protesters and one police officer were killed, and more than 789 others were injured, among them 736 members of security forces and 53 protesters, according to government figures. On January 6, police shot and killed Azzedine Lebza in the M'sila region, 155 miles southeast of Algiers. On the same day Akriche Abdelfattah died in the town of Bou Smail, 25 miles west of the capital, after being struck by a can of tear gas. On January 8,

a man died after suffering a bullet wound to the head when he was trying to prevent looters from entering his father's business. On January 9, a taxi driver died after inhaling tear gas fired by police in Annaba in eastern Algeria. The government maintained that only two protesters were killed.

The government and the press attributed most terrorist attacks during the year to the terrorist group al-Qaida in the Islamic Maghreb (AQIM), which emerged in 2007 after the Salafist Group for Preaching and Combat allied itself with al-Qaida in 2006. Former minister of interior Noureddine Zerhouni stated in 2008 that an estimated 400 terrorists operated in the country; the figure remained the most recent one available. During the year press reports indicated that security forces killed or captured approximately 800 suspected terrorists. According to press reports, terrorists killed 38 civilians and 34 security force members.

b. Disappearance.—Enforced disappearances, reportedly numbering in the thousands, were a significant problem during the 1990s. In August 2010 the government listed the official number of disappeared cases as 6,544, which represented a significant reduction in the official number reported in previous years. During a 2009 conference in Geneva, representatives of the government's human rights advisory office, the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH), stated that 8,023 persons remained missing or disappeared as a result of government actions between 1992 and 1999.

The 2006 Charter for Peace and National Reconciliation granted amnesty to and prevented investigation into the conduct of the National Popular Army, the security forces, state-sponsored armed groups, and persons who fought on behalf of the government during episodes of civil strife in the 1990s. The amnesty also covered certain persons involved in Islamist militant and terrorist activities. Persons implicated in mass killings, rapes, or bomb attacks in public places were not eligible for amnesty. Some local NGOs, including SOS Disparus, Djazairouna, Somoud, and the Algerian Human Rights Defense League (LADDH), criticized the charter for enabling terrorists to escape justice and security forces for acting with impunity.

The law provides measures for compensating victims of disappearances, although families of the disappeared reportedly experienced complications and delays in receiving compensation.

On June 1, the U.N. Human Rights Committee asked the government to investigate the disappearance of Brahim Aouabdia in the province of Constantine. There was no information on the case at year's end.

In January 2010 the local human rights NGO Alkarama presented to the government human rights commission the disappearance case of Lakhdar Bouzenia, who allegedly was arrested by security forces in 1993 and tortured. The case remained unresolved at year's end.

Armed criminals conducted abuses against civilians, including kidnappings, false checkpoints, and extortion, particularly in areas east of Algiers and in the southern portion of the country. In May security officials reported that 177 kidnapping cases occurred in 2010.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but NGO and local human rights activists reported that government officials sometimes employed abusive treatment to obtain confessions. Government agents can face prison sentences of between 10 and 20 years for committing such acts, and some individuals were tried and convicted. Nonetheless, impunity remained a problem.

Local human rights lawyers maintained that abusive treatment occurred in detention facilities, most often against those arrested on "security grounds." Amnesty International (AI) and other international organizations documented the mistreatment of terror suspects, where they have been "at unrecognized detention centers where they were at risk of torture or other ill-treatment."

In December 2010 two senior police officers working in the main police station of the eastern province of Constantine received 12-month prison sentences, with six-month suspended sentences, on charges of negligence and disrespect for pretrial detention procedures for not removing the shoelaces of Tifouti Kamel, who hanged himself in his cell during pretrial detention.

Prison and Detention Center Conditions.—Prison conditions generally did not meet international standards, and the government did not permit visits to military, high-security, or standard prison facilities or to detention centers by independent human rights observers. Overcrowding remained a problem in many prisons. Prisoners had access to potable water, and steps have been taken to improve record-keeping and the use of alternative sentencing for nonviolent offenders. Conditions for female prisoners were generally better than those for men. According to human rights lawyers, prison overpopulation was explained partially by the government's

excessive use of pretrial detention. In 2008 the CNCPPDH conducted 34 prison visits and highlighted concerns with overcrowding, insufficient bed space, and problems with lighting, ventilation, nutrition, and hygiene.

According to the director general of the Prisons Administration, there were 56,000 prisoners, including 411 minors, in the country's 133 prisons. Prisons held men and women separately. The Ministry of Justice has undertaken a prison building program to alleviate crowding problems. New prisons opened during the year provide training, education, and reinsertion programs for prisoners and comply with international standards. Prison guards are also receiving renewed training. Officials permitted prisoners weekly visits by their families, and family members have the right to bring in food and clothes. Prisoners also could observe religious events and had a place to perform prayers. All Muslim religious days were observed within prisons. In each prison inmates can submit complaints to the penitentiary administration or their lawyers. An ombudsman does not exist to serve on behalf of prisoners or detainees.

The penal code permitted the substitution of community service in lieu of imprisonment for first-time offenders with a maximum prison sentence of three years.

The government held political prisoners and suspected terrorists in military prisons where international observers were not allowed. In a 2008 report, the U.N. Committee Against Torture expressed concern over reports that the Department of Intelligence and Security (DRS), the intelligence agency tasked with internal security, maintained secret detention centers inside military barracks that operated outside judicial authority. During the year AI reported significant concerns that torture and abuse occurred in DRS detention facilities.

The lifting of the state of emergency in February resulted in some individuals formerly detained by the intelligence and security services being transferred to facilities under Justice Ministry jurisdiction.

During the year the government permitted the International Committee of the Red Cross (ICRC) and the Red Crescent Society to visit regular, nonmilitary prisons. ICRC visits to persons held in places of detention run by the Ministry of Justice and to those detained in police stations and gendarmeries took place in accordance with ICRC standard practices. Visitors to selected prisons saw no signs of torture or mistreatment.

d. Arbitrary Arrest or Detention.—Although the constitution prohibits arbitrary arrest and detention, overuse of pretrial detention occurred in practice. On July 9, the government-appointed head of the CNCPPDH, Farouk Ksentini, stated that pretrial detention was "a significant weakness of the Algerian legal system." He questioned the official rate given by the Ministry of Justice that only 11 percent of detainees were under pretrial detention, stating that the rate was certainly higher. Ksentini noted in August 2010 that judicial error resulted in cases of "unjustified" pretrial detention due to a lack of incriminating evidence.

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

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

The criminal code provides mechanisms to investigate abuses.

During the year police responded to 10,910 civil disturbances nationwide, according to Abdelghani Hamel, director general of the national police.

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

Police may make arrests without a warrant if they witness the offense. Public lawyers reported that procedures for warrants and summonses usually were carried out properly.

The constitution specifies that a suspect may be held in detention for up to 48 hours without charge. If more time is required for gathering additional evidence, the police may request that the prosecutor extend the suspect's detention to 72 hours. Those suspected of terrorism or subversion may be held legally for 12 days without charge or access to counsel under the law. Such individuals are obligated to answer questions posed to them by security forces, and they are not authorized to contact anyone. By law the initial court appearance in terrorism matters is not public.

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

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

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

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

Most detainees have prompt access to a lawyer of their choice, and the government provides legal counsel to indigent detainees. The penal code requires that detainees in pretrial detention be informed immediately of their rights to communicate with family members, receive visitors, and be examined by a doctor of their choice at the end of detention. In addition any suspect can request a medical examination once on police premises or before facing the judge. In practice there were continued reports during the year that these rights were not extended to all detainees. Typically detainees had access to a doctor only at the end of detention. Some detainees were held incommunicado without access to their families or lawyers.

Pretrial Detention.—Prolonged pretrial detention remained a problem. The law does not provide a person in detention the right to a prompt judicial determination of the legality of the detention. Those charged with acts against the security of the state, including terrorism, may be held in pretrial detention as long as 20 months, according to the penal code, and the prosecutor must show cause every four months for continuing pretrial detention. Hundreds of rioters in January charged with looting or public disorder were held in pretrial detention, usually for 24 hours, but sometimes for several days. Rioters, protesters, and activists were normally released without being charged.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, the president exercises supreme judicial authority, and the executive branch limited judicial independence. The constitution provides for the right to a fair trial, but in practice authorities did not always respect legal provisions regarding defendants' rights. The High Judicial Council is responsible for judicial discipline and the appointment of all judges. President Bouteflika serves as the president of the council.

Trial Procedures.—Defendants are presumed innocent and have the right to be present and to consult with an attorney, provided at public expense if necessary. Most trials are public and all are nonjury. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Courts occasionally denied defendants and their attorneys access to government-held evidence , but there were fewer reports of such incidents than in past years. Defendants have the right to appeal. The testimony of men and women has equal weight under the law.

On July 18, a court in Tizi Ouzou sentenced Malik Madjnoun and Abdelhakim Chenoui to 12 years in prison for assassinating singer Lounes Matoub in 1998. Madjnoun and Chenoui had been held in jail 12 years awaiting trial but had yet to be released by year's end.

Political Prisoners and Detainees.—There were reports of dozens of individuals detained for political reasons, including peaceful assembly in Algiers. In virtually all of the instances, police detained activists participating in protests or marches and held them either in the backs of riot trucks on site or transported them to nearby police precincts. Police released the activists without charges once the protests had subsided.

Civil Judicial Procedures and Remedies.—The judiciary was neither independent nor impartial in civil matters and lacked independence in some human rights cases. Family connections and status of the parties involved could influence decisions. Individuals may bring lawsuits, and there are administrative processes related to amnesty, which may provide damages to the victims or their families for human rights violations and compensation for alleged wrongs.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, although in practice government authorities in-

fringed on citizens' privacy rights. According to human rights activists, the government monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists. Security officials reportedly searched homes without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—Although the constitution provides for freedom of speech and of the press, the government restricted these rights in practice through accusations of defamation; informal pressure on publishers, editors, and journalists; and the continued closure of broadcast media to private entities. In September, the government passed a law decriminalizing press offenses.

Freedom of Speech.—Individuals generally were able to criticize the government privately, although there could be occasional reprisals. In practice citizens practiced self-restraint in voicing public criticism. The government attempted to impede criticism by monitoring political meetings and in some cases not allowing nongovernmental organizations (NGOs) to hold meetings. The law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." A 2006 presidential decree continued to criminalize speech about the conduct of the security forces during the internal conflict of the 1990s.

Freedom of Press.—Many political parties, including legal Islamic parties, had access to the independent press and used it to express their views. Opposition parties also disseminated information via the Internet and published communiqués. Journalists expressed frustration over the near-impossibility of receiving information from public officials, and journalists and political cartoonists regularly criticized the government.

Radio and television were government-owned and frequently broadcasted coverage favorable to the government. Sources maintained that broadcast media did not grant sufficient access to opposition parties and critical NGOs. During nonelection periods opposition parties and spokesmen regularly were denied access to public radio or television. Political parties and independent candidates received the same amount of radio access time during the three-week campaign period prior to the 2009 presidential election.

Internet Freedom.—Access to the Internet generally was unimpeded, although the government monitored e-mail and Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. Individuals posted on YouTube thousands of videos of the early January protests and their aftermath. In addition to reporting information and showing actual events, several videos presented political opinions and popular reactions, expressing in some cases support for protesters and criticism of government policies, while others condemned acts of violence. Some media reports indicated that Facebook was blocked by the government's attempt to stifle communication among protesters during the early months of the year. Other users reported no difficulty accessing Facebook throughout the riots. Facebook administrators reported that they were investigating the complaints but did not release official findings. The minister of information and communication denied that the government blocked Facebook.

The law on cybercrime establishes procedures for using electronic data in prosecutions and outlines the responsibilities of service providers to cooperate with authorities.

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

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

In August government officials expelled Tunisian singer Bendir Man and reportedly banned him from returning to the country following August 11 and 12 concerts when he sang about democracy and dedicated a song to "all of the dictators in the Arab world," including "yours, Bouteflika."

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

Freedom of Assembly.—The constitution provides for the right of assembly, but government practice continued to curtail this right. A decree implemented in 2001 banning demonstrations in Algiers remained in effect and was put into practice during the year. Authorities required citizens and organizations to obtain permits from the government-appointed local governor before holding public meetings. The government continued to restrict licenses to political parties, NGOs, and other groups to hold indoor rallies and frequently granted permissions on the eve of the event, thereby impeding publicity and outreach. In December local government officials refused to authorize two conferences that the LADDH planned to hold in Algiers and Boumerdes to celebrate International Human Rights Day.

Every Saturday from February 12 to late April, government security forces prevented protesters with the political opposition group National Coordination for Change and Democracy (CNCD) from staging a march in Algiers. On several occasions, CNCD organizers submitted paperwork to local officials requesting permission to march, but the requests were denied on security grounds. In some cases police arrested protesters and injured some of them as a result of participation in unsanctioned protests.

Between 3,000 and 5,000 university students on April 12 staged the first successful public march in Algiers since 2001, despite police efforts to prevent it. Students were largely nonviolent, but there were approximately 100 injuries.

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

Freedom of Association.—The constitution provides for the right of association, but the government severely restricted this right in practice.

The law grants the government wide-ranging oversight of and influence in the day-to-day activities of civil society organizations. The law's extensive requirements and uneven enforcement serve as major impediments to the development of civil society. It requires organizations to register with the government and obtain a license. Local organizations must register at the level of the provincial governor, and a national organization must register with the Interior Ministry. The law mandates that organizations must have at least 10 founding members on an executive board to register and provide professional and personal information about executive board members, articles of association, and minutes of the statutory meeting. Once registered, organizations must inform the government of their activities, funding sources, and personnel, including notification when there are personnel changes. If organizations fail to provide such information to the government, they are subject to fines between 2,000 and 5,000 dinars ($27-$68). The government has the right to suspend the activities of any NGO it deems to be acting illegally or against public order or public decency, although what constitutes a violation of public order or decency is not defined. If organizations continue to operate after being suspended, members can face between three months and two months in prison and fines between 50,000 and 100,000 dinars ($677-1,350).

The Ministry of Interior must approve all political parties before they are considered legally established. The government restricted the registration of certain NGOs, associations, and political parties on security grounds but declined to provide evidence or legal justification for refusing to authorize other organizations that could not be disqualified on security grounds. The government frequently failed to grant in an expeditious fashion official recognition to NGOs, associations, religious groups, and political parties. The ministry may deny a license to or dissolve any group regarded as a threat to the government's authority or to public order. For example, the law implementing the 2006 amnesty prohibits political activities by anyone responsible for having used religion leading to the "national tragedy," that is, the 1990s civil conflict, thereby theoretically banning Islamic political parties.

The government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. The Interior Ministry regarded organizations unable to attain government licenses as illegal. Domestic NGOs encountered bureaucratic obstacles to receiving financial support from abroad. Although not illegal, financial support from abroad is conditioned by law on a series of authorizations from the ministries of interior and national solidarity. These authorizations remained difficult to obtain. According to the Ministry of Interior, there were 80,000 registered associations. Of that total, only a few hundred are functioning and credible independent national NGOs. SOS Disparus remained unrecognized and continued to operate facing government interference.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement, but the government restricted the exercise of this right in practice.

The government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement.—The government maintained restrictions for security reasons on travel into the southern locales of El-Oued and Illizi, near hydrocarbon industry installations and the Libyan border, respectively. The government also prevented overland tourist travel between the southern cities of Djanet and Tamanrasset, citing the threat of terrorism. The government did not permit young men eligible for the draft but who had not yet completed their military service to leave the country without special authorization, although the government granted such authorization to students and persons with special family circumstances.

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

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status and the government has established a system for providing protection to refugees. However, there were no reports that the government granted refugee status and asylum to new refugee applicants during the year. According to the UNHRC, the government did not accept UNHRC-determined refugee status for individuals from sub-Saharan Africa fleeing conflict. Through August the office registered 510 cases, 570 individuals, and had 141 recognized refugees, mostly sub-Saharan African nationals. There were reports that the government deported some asylum seekers after trials without legal counsel given to the applicant. Refugees holding valid UNHRC documentation were less likely to be deported, but two recognized refugees were arrested on the basis of illegal entry and stay and were deported in the course of the year.

Nonrefoulement.—In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, as was the case with the Sahrawi refugees. Authorities did not extend legal protections to asylum seekers from sub-Saharan Africa residing in Algiers. Nonetheless, authorities tolerated the presence of these asylum seekers in the country.

After violence in neighboring Libya, Algeria established a series of transit centers for refugees along its 1,000km border with Libya. Libyans were allowed to cross the border to purchase goods. Independent estimates of the number of refugees crossing into the country from Libya during the year ranged from 18,000 to 20,000, but government officials claimed an estimated 5,000 refugees entered from Libya. Refugees who crossed the border at official checkpoints normally spent two to three days at the transit centers, where they could contact their national embassies for help with repatriation. Independent observers found the transit centers to be in excellent condition with ample beds, proper medical treatment, restroom facilities, and free phone and laptop usage.

Refugees from Libya who entered Algeria illegally occasionally were arrested, held in detention centers for a period of one to two weeks for questioning, and then transported to Algeria's border with Mali and Niger, depending on the person's country of origin.

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

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

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

The constitution provides citizens the right to change their government peacefully through periodic elections based on universal suffrage. The constitutional change in

2008, allowing for the president to run for unlimited terms of office, greatly increased the difficulty for citizens to change their government peacefully. Restrictions on freedom of assembly and association, as well as restrictions on political party activities, also limit this right.

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

Recent Elections.—In 2009 the government held a contested, multiparty presidential election in which the incumbent was elected to a third term. Official election statistics indicated that President Bouteflika won the election with 90.2 percent of the votes and a voter turnout of 74.6 percent. Opposition parties and defeated candidates estimated voter turnout was actually in the range of 18 to 55 percent. Some international experts commented that observers monitored only election-day procedures and were not on the ground to evaluate preelection activities. Two opposition parties, the Rally for Culture and Democracy (RCD) and the Socialist Forces Front (FFS), boycotted the election. The LADDH pointed to a lack of critical debate in the media and favorable treatment of the incumbent by state-owned media.

Political Parties.—The Ministry of Interior did not approve any political parties during the year. In April Interior Minister Daho Ould Kablia indicated that the ministry had received 42 requests to authorize new political parties. In November Ould Kablia indicated that there were only five or six political parties that would meet the government's conditions for approval. Opposition candidates complained that the ministry regularly blocked registered parties from holding meetings and denied them access to larger and better-equipped government conference rooms while facilitating the activities of the pro-Bouteflika National Liberation Front (FLN).

A party must have received 4 percent of the vote, or at least 2,000 votes, in 25 wilayas (provinces) in one of the last three legislative elections to participate in national elections, making it very difficult in practice to create new political parties.

During the year the government banned independent groups, such as the March 19th Facebook group, from meeting and demonstrating. During the first four months of the year, police routinely prevented groups and individuals from staging protests or marches in Algiers by surrounding protesters with overwhelming numbers of police. Most notably, police prevented the CNCD from holding weekly marches in Algiers every Saturday from February until the group abandoned its efforts to march in April.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal due to the party's ties to the violence of the 1990s, which is estimated to have claimed 200,000 lives. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements. According to the law political parties cannot receive direct or indirect financial or material support from any foreign parties. The law also stipulates that resources are collected from contributions of the party's members, donations, and revenue from its activities, in addition to possible state funding.

Participation of Women and Minorities.—In accordance with the law, the government promoted political rights for women by encouraging increased female representation within elected assemblies. In November both houses of parliament passed a law setting the terms for expanding women's representation in elected assemblies. In future elections, women must make up between 20 and 50 percent of candidates depending on the population and number of seats the wilaya holds in parliament's lower house.

There were three women in the cabinet. Women also held 30 of the 389 seats in the Popular Assembly of the Nation, the lower legislative chamber, and seven of the 144 seats in the Council of the Nation, the upper chamber. A woman led the Workers Party, and three major political parties—the FLN, National Rally for Democracy, and RCD—had women's divisions headed by women.

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

Section 4. Official Corruption and Government Transparency

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

Although a 2006 law established a national anticorruption program, it does not require elected and senior officials to declare their assets. The law does not provide parliamentary immunity in certain cases. Two presidential decrees published in 2006, however, make high-level government officials subject to financial disclosure laws. The decrees also stipulate the formation of an anticorruption agency, and the government announced its creation in August 2010 as well as new policies to strengthen the role of the accounting court.

Irregularities, including the excessive use of private agreements, often affected public procurement. According to the Ministry of Public Works, following the president's 2005 prohibition on the use of private agreements, including sole-source contracts, government agencies began implementing a public tender policy for all infrastructure and large government projects. For those public tenders, evaluations were not released to participating companies, and evaluation methods and techniques were not clearly defined. Some agencies, however, continued to use direct contracts for public works projects. In July 2010 a presidential decree mandated that all financial transactions involving more than 500,000 dinars ($6,770) be conducted by credit card, check, or other noncash method in an effort to increase financial transparency, track illegal financing of terrorism, and reduce the possibility of corruption. Since January customs officials suspended 109 agents for corruption and sent 20 cases for prosecution.

A notable corruption case in 2010 involved several private businessmen and senior executives at the country's national oil company, Sonatrach. The men apparently awarded contracts in violation of the public procurement code. In January 2010 police arrested several top company officials. Following the incident, in May 2010 then energy/mines minister Chakib Khelil was relieved of his position during a broad cabinet reshuffle. On May 4, a judge in Oran sentenced former Sonatrach chief executive officer (CEO) Mohamed Meziane to two years in prison with one year suspended. Sonatrach's former deputy chairman Abdelhafid Faghouli and three executives received eight-month suspended sentences for illegal contract letting and fraud.

In April 2010 an Algiers court ordered the arrest of the current and former directors of the Port of Algiers and four other port officials for misappropriation of public funds. On June 19, the Algiers Appeals Court sentenced former port CEOs Bourouai Abdelhak and Farrah Ali to six years in prison, while private businessmen Titache Redouane and Miloud Mohamed also received six years in prison for their roles. Four other port officials also received prison sentences of six years.

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

In May 2010 the government created the Ministry of Prospective Planning and Statistics. However, lack of government transparency remained a serious problem. Although the government generally did not release many economic statistics, the new ministry released such figures. Most ministries had Web sites, but not all were regularly maintained to provide updated information. The Justice Ministry provided information on citizens' rights and legislation. In August the government launched a Web site, El Mouwatin, that contained a wide variety of information on municipal and national government services.

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

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

The government was not responsive publicly to reports and recommendations from domestic and international human rights NGOs and interfered with attempts by some domestic and international human rights groups to investigate. Domestic NGOs must be licensed by the government and are prohibited from receiving funding from abroad without approval from the ministries of national solidarity and interior. However, more than 100 unlicensed NGOs, such as women's advocacy groups and charity organizations, operated openly. Unlicensed NGOs did not receive gov-

ernment assistance, and citizens were at times hesitant to associate with these organizations.

The most active independent human rights group was the LADDH, a legally recognized NGO with members throughout the country. The LADDH was not permitted access to government officials for human rights advocacy or research purposes or to prisons, except for normal lawyer-client consultations. The smaller LADH, a separate organization based in Constantine, was licensed, and members throughout the country monitored individual cases.

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

International NGOs continued to experience delays in obtaining visas, and outright refusals occurred. The government maintained that legislation did not allow branches of foreign NGOs to operate legally in the country.

U.N. and Other International Bodies.—The government continued to deny requests for visits from the U.N. Working Group on Enforced or Involuntary Disappearances (pending since 1997), the U.N. special rapporteur on torture (pending since 1997), the U.N. special rapporteur on extrajudicial executions (pending since 1998), the U.N. special rapporteur on human rights and counterterrorism (pending since 2006), and the U.N. special rapporteur on arbitrary detention (pending since 2009). The government accepted visits of U.N. special rapporteurs on violence against women in 2007 and freedom of religion or belief in 2002.

In April U.N. Special Rapporteur on Freedom of Opinion and Expression Frank La Rue visited the country and initially could not meet with unrecognized or unlicensed movements, political parties, or NGOs. He rejected this condition and held successful meetings with civil society representatives. In a departing press conference, La Rue offered numerous, critical recommendations to the government, including a plea to allow the U.N. Working Group on Enforced or Involuntary Disappearances to visit the country. Days after La Rue's departure, Interior Minister Dahou Ould Kablia said that the recommendations were "inappropriate" and added that "those who want to give us lessons must be careful not to do so."

Farouk Ksentini, president of the CNCPPDH, was appointed by the president and paid by the government. The CNCPPDH publishes an annual report that provides measured criticism of the government. Ksentini routinely criticized human rights-related reports from domestic and international NGOs and foreign governments.

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

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

Women.—Rape and Domestic Violence.—Rape, spousal and nonspousal, occurred. The law criminalizes nonspousal rape but does not address spousal rape. Prison sentences for nonspousal rape range from one to five years. Claims filed by women for rape and sexual abuse continued to face judicial obstacles, and many women did not report incidents of rape because of societal pressures and bureaucratic problems in securing convictions. During the year women's rights activists reported a significant increase in reports of violence against women.

Spousal abuse occurred. The penal code states that a person must be incapacitated for 15 days or more and present a doctor's note certifying the injuries before filing charges for battery.

Domestic NGOs reported that physical violence against women increased. A report during the year from the national police reported that within the first six months of 2010, more than 4,000 women lodged domestic violence complaints with police. The report emphasized that social status or educational background did not prevent domestic violence. According to the police report, four women died in the first months of 2010 because of domestic violence. In December the national police reported that approximately 7,000 women were victims of domestic violence during the first nine months of 2011. There were 13 call centers to provide legal and psychological assistance.

During the year local women's NGOs, including SOS Femmes en Detresse, the Wassila Network, and Bent Fatma N'Soumer, spoke against violence in the family. SOS Femmes en Detresse and the Wassila Network provided judicial and psychological counseling to abused women. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to traditional societal attitudes. Several rape crisis centers run by women's groups operated, but they had few resources. The Working Women section of the General Union of Algerian Workers established a counseling center for women suffering from

sexual harassment in the workplace. SOS Femmes en Detresse operated one call center in Algiers, but a second call center in Batna was closed. During the first eight months of the year, the Algiers call center received more than 1,400 calls.

Sexual Harassment.—The punishment for sexual harassment is one to two years' imprisonment and a fine of 50,000 to 100,000 dinars (approximately $677 to $1,350). The punishment is doubled for a second offense. According to the final report of the U.N. rapporteur, women reported 99 cases of sexual harassment to the police between January and October 2010. The majority of reported cases of harassment occurred in the workplace. SOS Femmes en Detresse provided legal advice and counseling to 860 women; however, only 40 of the women seeking assistance filed formal complaints.

Reproductive Rights.—The government did not impose restrictions on the right of couples and individuals to decide the number, timing, and spacing of their children. There were no restrictions on access to contraceptives, yet contraceptives were harder to obtain for single women or women in rural areas. In 2009 the Health Ministry's Office of Family Planning conducted a public health awareness campaign. According to the office, 62 percent of women, mainly married, regularly used contraceptives. Government hospitals provided skilled attendance during childbirth as well as obstetric and postpartum care and equally diagnosed and treated women for sexually transmitted infections, including HIV. Due to restrictions women face under the family code, which places women under the guardianship of men, as well as the social influence of the country's religious movements, women encounter pressure in making independent decisions about their health and reproductive rights.

Discrimination.—Although the constitution provides for gender equality, some aspects of the law and many traditional social practices discriminate against women. In addition, religious extremists advocated practices that restrict women's behavior, including freedom of movement. In some rural regions, women faced extreme social pressure to veil as a precondition for freedom of movement and employment. The family code contains elements of Sharia (Islamic law). The family code prohibits Muslim women from marrying non-Muslims, although this regulation was not always enforced. A woman may marry a foreigner and transmit citizenship and nationality to both her children and spouse. Muslim men may marry non-Muslim women.

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

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

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

Women suffered from discrimination in inheritance claims and were entitled to a smaller portion of an estate than male children or a deceased husband's brothers. The law purports that such a distinction is justified because other provisions require that the husband's income and assets be used to support the family, while in principle the wife's remain her own. In practice women did not often have exclusive control over assets that they brought to a marriage or that they earned. Married women may take out business loans and use their own financial resources. Despite constitutional and legal provisions providing for gender equality, in practice women faced discrimination in employment. Leaders of women's organizations reported that discriminatory violations were common and that women were less likely to receive equal pay for equal work or receive promotions. In urban areas, there was social encouragement for women to pursue higher education and/or a career. Girls graduated from high school more frequently than did boys. According to 2010 statistics, women represented 55 percent of the medical profession, 60 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. In addition, 36 percent of judges were women. Women served at all levels in the judicial system, and female police officers were

added to some precincts to assist women with abuse claims. Of nine million workers nationally, two million were female. Women may own businesses, enter into contracts, and pursue careers similar to those of men.

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

Child Abuse.—Child abuse is illegal but continued to be reported as a problem. NGOs specializing in children cited continued instances of domestic violence against children, which they attributed to a "culture of violence" stemming from civil strife in the 1990s, including social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Experts assumed that many cases went unreported because of familial reticence. The National Foundation for Health Progress and Research Development (FOREM), a children's rights watchdog NGO with EU funding, estimated that approximately 10,000 children suffered some form of abuse, and 16 died from physical violence. FOREM also reported that 36 children were kidnapped in June. The national police report released in January stated that 5,418 children were victims of physical abuse in 2010; girls made up 2,072 of the victims. The same report revealed that 20 children died of severe physical abuse, and 177 were kidnapped in 2010.

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

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

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

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, although in practice the government did not effectively enforce these provisions, and there was widespread social discrimination against persons with disabilities. Few government buildings were accessible to persons with disabilities. Public enterprises that downsized generally ignored a requirement that they reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment. The Ministry of National Solidarity provided some financial support to health-care-oriented NGOs, but for many NGOs such financial support represented approximately 2 percent of their budgets.

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

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The penal code criminalizes public homosexual behavior for males and females, and there is no specific legal protection for lesbians, gays, bisexuals, and transgender (LGBT) persons. The law stipulates penalties that include imprisonment of two months to two years and fines of 500 to 2,000 dinars (approximately $7 to $27). If a minor is involved, the adult may face up to three years' imprisonment and a fine of 10,000 dinars (approximately $135).

According to the NGO Heartland Alliance, during the year a woman engaged in grassroots LGBT activism received several death threats and felt compelled to flee the country. There was societal discrimination against homosexual conduct. While

some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities

Other Societal Violence or Discrimination.—HIV/AIDS was widely considered a shameful disease in the country. From 1985 to September 2011, 6,615 Algerians were either HIV-positive or living with AIDS, according to Ministry of Health statistics. During the year the Ministry of Health identified 514 new HIV cases. However, the National Foundation for Health Promotion and Research Development, an NGO, released a study during the year that reported there are 12,000 infected with HIV in the country. There were 61 centers offering free testing services to detect HIV/AIDS. Only 51 percent of women, both single and married, noted use of condoms to prevent infection. In response to societal discrimination, during the year the Ministry of Health and the NGO AIDS Algerie launched an HIV/AIDS prevention campaign, stressing the need to prevent discrimination, especially in the workplace, against those with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution allows workers who are citizens to join unions of their choice but requires workers to obtain government approval to form a union. The law requires that the Ministry of Labor approve or disapprove a union application within 30 days and allows for the creation of autonomous unions. However, the government may invalidate a union's legal status if its objectives are perceived by authorities as contrary to the established institutional system, public order, good morals, or the laws or regulations in force. The General Union of Algerian Workers (UGTA) was the only legally recognized labor confederation, representing a majority of public sector workers. The law allows workers to form independent unions, but the union needs 20 percent representation and must obtain prior authority from the government.

Unions have the right to form and join federations or confederations. Unions may also recruit members at the workplace. The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers.

The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions. However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engaged in illegal activities.

The law provides for collective bargaining for all unions, and the government permitted the exercise of this right, in practice, for authorized unions; however, the UGTA remained the only union authorized to negotiate collective bargaining agreements. According to the UGTA, nine million workers were covered by collective bargaining agreements, not including foreign migrant laborers.

The law provides for the right to strike, and workers exercised this right in practice, subject to conditions. Striking requires a secret ballot of the whole workforce and the government can restrict strikes on a number of grounds, including economic crisis, obstruction of public services, or possibility of subversive actions. Furthermore, due to the emergency law in force, all public demonstrations, including protests and strikes, must receive prior government authorization. According to the law on industrial relations, workers may strike only after 14 days of mandatory conciliation or mediation. On occasion, the government offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. The law requires that a minimum level of essential public services must be maintained during public-sector service strikes. The International Labor Organization (ILO) noted that the list of essential services is broad and includes services such as banking and radio/television. The ILO expressed concern regarding what it deemed excessive penalties ranging from eight days to two months imposed by the government on workers participating in peaceful strikes.

There were no new independent unions formed during the year. Many trade unions were not recognized as the government interfered with attempts to register. For instance, since 2002 the National Union of Vocational Training Workers (Syndicat National des Travailleurs de la Formation Professionnelle), was unable to register.

Attempts by new unions to form federations or confederations also were obstructed by delaying administrative maneuvers, such as delays in processing registration requests. Since 1996 the Autonomous Unions Confederation, which functions without official status, repeatedly attempted to organize the autonomous unions, without success. The government did not allow the Autonomous Union of

Public Sector Workers (SNAPAP) to register as a national confederation. SNAPAP and other autonomous unions faced government interference throughout the year, including official obstruction of general assembly meetings and police harassment during sit-in protests. Furthermore, unions in multinational companies, specifically in oil and gas production, were nonexistent due to antiunion practices and threats and harassment by employers.

On May 8, unknown persons stole two computers from the Union House in Algiers, a place where the CNCD was created. In June the International Trade Union Confederation released a report on trade union rights denouncing the government's ability to deem strikes illegal. It also reported that the flexibility of independent unions in the public sector is tightly controlled and that the creation of unions is hampered by excessive restrictions and government intervention. Several dozen strikes occurred throughout the country. Authorities rarely give permits for public gatherings. The authorities tolerated strikes but continued to enforce a ban on marches and demonstrations in Algiers that has been in effect since 2001.

From March 7 to May 23, physicians and medical residents carried out a strike demanding higher pay and the cancellation of the civil service duty, performed in difficult conditions. On April 4, Health Minister Djamel Ould Abbes called this strike movement "illegal and unacceptable."

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

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits participation by minors in dangerous, unhealthy, or harmful work or in work that is considered inappropriate because of social and religious considerations. The minimum legal age for employment is 16 years, but children that are younger may work as apprentices with permission from their parents or legal guardian. The law prohibits minors from working in dangerous or harmful work, but it does not establish a list of hazardous occupations prohibited to minors, nor does it cover work in the informal sector.

On June 11, UNICEF representative in Algiers stated that 340,000 children worked in various sectors in the country, adding that the phenomenon is taking on alarming proportions. Children faced forms of child labor primarily in agriculture and the construction sector, and in the informal sector as domestic servants. However, specific data was unavailable.

The Ministry of Labor is responsible for enforcing child labor laws, but enforcement was limited. The ministry conducted and in some cases investigated companies suspected of hiring under aged workers. However, monitoring and enforcement practices for child labor were not consistent and were hampered by an insufficient number of inspectors. During the year the NGO FOREM implemented a public awareness campaign to encourage children to remain in school until 16 years of age, rather than participating in the workforce. Approximately 100,000 students dropped out of school annually to join the workforce, according to FOREM.

d. Acceptable Conditions of Work.—The national minimum wage of 15,000 dinars (approximately $203) per month was established in 2009 following a tripartite social pact between business, government and the official union. This did not provide a decent standard of living for a worker and family. In September the tripartite agreed to increase the monthly minimum wage to 18,000 dinars (approximately $244). Autonomous unions, which were not included in tripartite talks, reported the increase was inadequate and would not affect the majority of workers who already earn more than the minimum wage. Families making only 8,000 dinars (approximately $108) per month are considered to be living in poverty.

The standard workweek was 40 hours, including one hour for lunch per day. Employees who worked longer than the standard workweek received premium pay on a sliding scale from time-and-a-half to double-time, depending on whether the overtime was worked on a normal workday, a weekend, or a holiday.

The law contains occupational health and safety standards, which were not fully enforced. There were no known reports of workers being dismissed for removing themselves from hazardous working conditions. If workers face such conditions, they reserve the right to renegotiate their contract or, failing that, resort to the courts. While this legal mechanism exists, the high demand for employment in the country gave an advantage to employers seeking to exploit employees. Economic migrants from sub-Saharan Africa and elsewhere working in the country without legal immi-

gration status were not protected by the country's labor standards, making them vulnerable to exploitation. Labor law does not adequately cover migrant workers, who primarily are employed in the construction and domestic help sectors.

In general the Ministry of Labor enforced labor standards, including ensuring compliance with the minimum wage regulation and safety standards. However, broad enforcement remained ineffective and insufficient.

BAHRAIN

EXECUTIVE SUMMARY

Bahrain is a monarchy. Noncitizens make up slightly more than half of the population. King Hamad Bin Isa Al-Khalifa, the head of state, appoints the cabinet of ministers; approximately half are members of the Sunni Al-Khalifa ruling family. The parliament consists of an appointed upper house (the Shura Council) and the elected Council of Representatives. Approximately 17 percent of eligible voters participated in parliamentary by-elections on September 24. Independent human rights organizations did not consider these elections to be free and fair; a boycott by opposition political societies affected the outcome in the already extensively gerrymandered districts. Security forces reported to civilian authorities during most of the year.

Beginning in February the country experienced a sustained period of unrest, including mass protests calling for political reform. Gulf Cooperation Council (GCC) Peninsula Shield Forces (PSF) troops were stationed in the country as a result of the unrest. Royal Decree Number 18 implemented an emergency State of National Safety (SNS) from March 15 to June 1 in accordance with the constitution. Military and civilian security forces carried out extensive security operations, including attacks on peaceful protesters at the former GCC Roundabout (commonly referred to as the Pearl Roundabout and subsequently renamed Al Farooq Junction) in Manama on February 17. Fifty-two confirmed deaths during the year may be linked to the unrest. There were 35 deaths between February 14 and April 15 alone, according to the Bahrain Independent Commission of Inquiry (BICI), and there were reports of an additional 17 related deaths throughout the rest of the year. Five of the 35 persons died as a result of torture inflicted by elements of security services during the SNS. During the year rioters attacked South Asian residents, killing at least two.

The most egregious human rights problems reported in 2011 included the inability of citizens to peacefully change their government; the dismissal and expulsion of workers and students for engaging in political activities; the arbitrary arrest and detention of thousands, including medical personnel, human rights activists, and political figures, sometimes leading to their torture and/or death in detention; and lack of due process.

Other significant human rights concerns included arbitrary deprivation of life; detention of prisoners of conscience; reported violations of privacy and restrictions on civil liberties, including freedoms of speech, press, assembly, association, and some religious practices. In some instances the government imposed and enforced travel bans on political activists. Discrimination on the basis of gender, religion, nationality, and sect persisted, especially against the Shia population. The government demolished multiple Shia religious sites and structures during the year. There were reports of domestic violence against women and children. Trafficking in persons and restrictions on the rights of foreign workers continued to be significant problems.

The king established the BICI on June 29 and granted it authority to investigate and report on the events in February and March and their aftermath. The BICI report, released on November 23, identified a "culture of impunity" in the security services and expressed concern about the lack of accountability for human rights violations, among other findings.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were a number of reports that government security forces committed arbitrary or unlawful killings. The BICI report attributed 19 civilian deaths in the spring to security forces; of these it attributed 14 to the Ministry of Interior (MOI), three to the Bahrain Defense Force (BDF), one to the Bahrain National Security Agency (BNSA), and one to an unnamed security agency. Thirteen of these deaths were due to the use of firearms, five to torture in custody, and one to physical injuries as the result of beating. Of the 14 deaths attributable to the MOI, the BICI concluded that nine resulted from excessive use

of force and three from mistreatment in custody; there was not enough evidence to determine cause of death in the other two cases. Of the five persons whose deaths resulted from torture, three died in MOI custody, one four days after being released from MOI custody, and one at the BDF Hospital after being transferred from BNSA custody (see section 1.c., Prison and Detention Center Conditions). The BICI report also discussed 11 deaths that took place beyond the February-March period covered by its report, for which it did not assign responsibility. It noted, however, that the deaths may have been the result of incidents related to protest activity or excessive use of force by security forces (see also section 2.b., Freedom of Assembly). Local human rights organizations maintained that six additional deaths were linked indirectly to clashes between protesters and security forces, particularly due to exposure to tear gas.

On March 16, Isa Radhi Abdali Ahmed Alradhi died in Sitra from injuries that included a fractured skull and internal bleeding in the brain caused by head trauma. The BICI report noted that clashes between residents and police broke out in Sitra on March 15, when a large operation by plainclothes police and military personnel took place. A witness stated he saw 15 police officers beat Alradhi for approximately 20 minutes. The BICI concluded that his death was the result of excessive use of force. A forensic report confirmed that the deceased sustained multiple injuries consistent with beatings. The MOI initiated an investigation into this incident but gave no further details.

On March 19, Hani Abdulaziz Abdulla Jumaa, who was seen being chased by approximately 15 riot police in the predominantly Shia village of Al Khamis, died of gunshot injuries to the right leg, left leg, and left arm. It was unclear why police were pursuing Jumaa. He was reportedly beaten, shot, and abandoned. He was taken to International Hospital and then BDF Hospital where he died later that day. A forensic report showed that the wounds were caused by three or more shots at a distance of three feet or less and that the deceased also sustained many bruises on his head, face, chest, and shoulders. The MOI stated that it was investigating Jumaa's death and identified the officer responsible, who was subsequently suspended from duty.

b. Disappearance.—The BICI stated it was not able to identify instances of enforced disappearance. Nevertheless, there were cases in which the government concealed or withheld information about detainees' whereabouts for days or weeks from detainees and/or their families (see section 1.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits "harm[ing] an accused person physically or mentally." Nevertheless, domestic and international human rights nongovernmental organizations (NGOs) and the BICI documented numerous instances of torture and other cruel, inhuman, or degrading treatment or punishment during the SNS. Detainees asserted that security officials beat them, sometimes while they were blindfolded and often with clubs, whips, or rubber hoses. Officials reportedly used electric shocks on their victims; suspended them upside down; placed them in solitary confinement, sometimes in extreme temperatures; and burned body parts with lighters. Many reports followed a similar pattern of abuse: arbitrary arrest, beating without interrogation, beating with interrogation, harassment and intimidation without further physical abuse, and then release of the detainee after any visible wounds or signs of mistreatment had healed. Most victims were Shia.

On April 27, the Office of the Inspector General at the MOI announced in a press statement that it had received more than 1,200 calls on its hotline for reporting abuse. During the period following the establishment of the SNS, the quasi-governmental National Human Rights Institute also established a hotline to report abuses.

The BICI investigated 559 complaints concerning the treatment of detainees, of which all but nine were Shia. Fifty-nine of those who submitted complaints underwent forensic examination. A general pattern of mistreatment emerged from the investigations. Three government agencies—the MOI, BNSA, and BDF—were involved in interrogating detainees in relation to the unrest in February and March. The primary interrogation facilities in which detainees reported mistreatment included the Al Adliya MOI Criminal Investigation Division (CID), BNSA's Al Qalaa, and police stations in Al Rifaa, Al Qudaibiya, Samaheej, Al Nuaim, Nabih Saleh, Al Budaiya, and Sitra. There were also some complaints of mistreatment in Al Qurain (BDF), Dry Dock Detention Center (MOI), Jow Prison (MOI), and Isa Town Detention Center for Women (MOI), the locations where most detainees were held. Detainees at Al Qurain reported that their mistreatment ceased after June 10, when the military attorney general took control of the facility. Reports of detainee mistreatment continued at other facilities. A large number of the 179 detainees held by the BNSA

reported mistreatment, including torture and other forms of cruel, inhuman, or degrading treatment. The most common techniques included blindfolding detainees; forcing them to stand for prolonged periods; beating, punching, and hitting them with rubber hoses, cables, whips, metal, wooden planks or other objects; electrocution; sleep-deprivation; exposure to extreme temperatures; verbal abuse; threats to rape the detainee or family members; and insulting the detainee's religious sect (Shia).

The physical and psychological mistreatment by the BNSA and MOI was aimed in some cases at extracting confessions and statements under duress, while in other cases was intended for the purposes of retribution and punishment. The BICI concluded that the two institutions engaged in the systematic physical and psychological mistreatment of a large number of detainees that, in many cases, amounted to torture. The "culture of impunity" that the BICI report identified meant that security officials had few incentives not to mistreat prisoners or to take action to prevent mistreatment by other officials.

Subsequent to the commencement of BICI investigation, the MOI reported to the BICI that it had received 132 claims of mistreatment. The MOI investigated 84 of these and prosecuted 10. The BNSA reportedly commenced a general investigation, but no further details were available. On December 24, the public prosecutor announced he would assume responsibility for all cases related to allegations of torture or mistreatment of detainees by MOI personnel.

In one case, 14 prominent political activists—Ibrahim Sharif Abdulraheem Mossa, Hassan Ali Mushaima, Abdulwahab Hussain Ali, Abdulhadi Al Khawaja, Abduljalil Abdullah Al Singace, Mohammed Habib Al Safaf (aka Mohammed Habib Miqdad), Saeed Mirza Ahmed, Abduljalil Mansoor Makki (aka Abdul Jalil Miqdad), Al Hurra Yousif Mohammed, Abdullah Isa Al Mahroos, Salah Hubail Al Khawaja, Mohammed Hassan Jowad, Mohammed Ali Ismael, and Abdulhadi Abdullah Mahdi Hassan—reported mistreatment while in the custody of BNSA between mid-March and April 13, during which time they were transferred to BDF custody at Al Qurain Prison. The BDF reported that a medical doctor examined the detainees when they arrived at that facility and that some showed signs of physical abuse. According to the BICI, detainees at Al Qurain Prison reported that abuse ceased and conditions improved dramatically after June 10.

During the SNS court trial of medical personnel charged with felony crimes at Salmaniya Medical Complex in Manama, the defendants filed a motion alleging torture while in CID custody beginning in mid-March. They stated that confessions had been extracted from them under torture. In interviews with the international press, at least 20 medical personnel reported that unidentified security officials used electric shocks; kicked and beat them with sticks, plastic hoses, and shoes; and threatened them with rape and/or injury to family members. The SNS Court rejected the defendants' motion and ruled that the confessions were admissible in the trial. All of the defendants were convicted and received prison sentences ranging from five to 15 years. Defendants appealed the judgment to the civilian appellate court, and the attorney general amended the charges and disallowed the confessions. The appeal was ongoing at year's end.

At times children were also subjected to torture and other cruel, inhumane, or degrading treatment or punishment. The BICI report found that authorities detained children, sometimes under the age of 15, and subjected them to various forms of mistreatment, including beating, slapping, kicking, lashing with rubber hoses, and verbal abuse that was sectarian in nature. In one incident, on August 1, BICI investigators visited the Budaiya police station and witnessed several detained teenage boys standing blindfolded and handcuffed. All had been beaten, and one 14-year-old boy had cigarette burns on his chest. The BICI report also concluded that security forces caused psychological trauma to young children during forced-entry raids of private homes, frequently forcing them from their beds and separating them from their parents.

On February 21, the king suspended the high-profile trial and ordered the release from prison of 23 Shia activists arrested in August and September 2010 and charged with attempting to "overthrow the government," among other offenses. The defendants reportedly were tortured in detention. Some of the 23 were rearrested following the imposition of the SNS and were part of the trial of the 14 prominent political activists who reported abuse while in the custody of the BNSA and the BDF. On June 22, those who were rearrested were convicted in the SNS court on separate charges, including attempting to "overthrow the government," and sentenced to terms ranging from 15 years to life in prison. They remained in Jow Prison at year's end.

Prison and Detention Center Conditions.—Conditions in detention centers were often harsh and sometimes life-threatening. It was unclear whether prison condi-

tions changed following the lifting of the SNS and the establishment of the BICI. In addition to alleged torture and abuse of detainees at police stations and detention centers across the country during the SNS, the BICI report identified cases of four detainee deaths during pretrial detention. For example, Ali Isa Ibrahim Saqer, who was accused of running over a police officer with a car, reportedly turned himself over to police on April 5 after his house was raided several times. He died in MOI custody on April 9. In May the interior minister announced the arrest of five prison guards in connection with Saqer's death. Two of the accused were charged in the MOI military court with manslaughter while the other three were charged with failing to report a crime. All were charged with engaging in action contrary to military dignity. On December 30, the public prosecutor announced that a new trial would begin in early January 2012 in the civilian courts. According to the prosecutor, the two individuals accused of manslaughter would face charges of torture and the three others would face negligence charges for not reporting the incident.

The BICI reported numerous allegations of poor detention conditions. Several detainees were refused access to toilet facilities for prolonged periods, most often at the CID and Al Asri detention centers. There were reports of lack of access to water for drinking and the washing necessary during the preparation for prayer, the lack of shower facilities and soap, and the unhygienic state of toilet facilities. Detainees were sometimes subjected to extreme temperatures.

The MOI reported that Jow prison housed more than 1,100 prisoners. During the SNS, detainees were held at detention centers across the country as well as at the BDF facility, Qurain Prison. There was no information as to whether the conditions of female prisoners were different than those of male prisoners. Juveniles above the age of 15 were held together with adults. Pretrial detainees were not typically held with convicted detainees, although this practice did occur at some facilities, including Qurain Prison, during the SNS period. Political and security prisoners faced significantly harsher treatment than other prisoners during the SNS period. Following the establishment of the BICI, their treatment reportedly improved. No known steps were taken during the year to improve recordkeeping or to use alternatives to sentencing for nonviolent offenders.

Detainees were generally permitted visits, but access was severely restricted during the SNS. Some detainees during the SNS period said they were prevented from praying, generally during their first or second day after arrest, but this was not a common complaint. During the SNS period, prisoners reported that complaints of inhumane conditions, especially those addressed to the military prosecutor, went unacknowledged. It was unknown if there were prison ombudsmen.

On December 8, the MOI announced that the interior minister had signed a memorandum of understanding with the International Committee of the Red Cross (ICRC) allowing the ICRC to visit inmates at its reformation and rehabilitation centers and detention centers in accordance with ICRC standards. The last time the government permitted the ICRC to monitor prison conditions was in 2001. By year's end no visit had taken place.

According to the BICI, on April 20, the MOI established an internal committee to supervise and review both its long-term and police-station detention centers. The committee is required to conduct spontaneous inspections to ensure that appropriate safety and security safeguards are in place and that detainees' rights are respected. The committee was tasked with reporting any problems approximately twice monthly to the inspector general. These reports were not made public, and it was unknown whether they were submitted as planned. In August the MOI finalized posters aimed at prison officers detailing the rights of detainees under domestic and international law. The BICI was informed that these were on display in all prisons and detention centers.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention. However, local and international human rights organizations reported that during and subsequent to the SNS there were many cases of arbitrary arrest.

Role of the Police and Security Apparatus.—The MOI is responsible for public security and controls the public security force and specialized security units that are responsible for maintaining internal order. The BDF is responsible for defending against external threats and provides internal security. It was deployed within the country on February 17-19 and again on March 15-June 1 during the SNS. During the SNS, four security agencies, following directives issued by the BDF commander in chief, had primary responsibility for internal security: the BDF, MOI, BNSA, and National Guard.

The BICI found that a "culture of impunity" pervaded the security apparatus during the SNS. Security forces were not wholly effective in maintaining order prior to the SNS and were often accused of using excessive force during and after the

SNS. The MOI maintained a hotline for citizens to report police abuses, but most in the Shia community believed the government condoned police misconduct and therefore did not report allegations of abuse. Although internal mechanisms for investigating abuses existed under the MOI Office of the Inspector General, the BICI found that MOI personnel committed abuses without significant consequences. The internal and external mechanisms for investigating allegations of abuses by BNSA officials were unclear. On December 8, the MOI announced that the ICRC would begin training courses on human rights and international humanitarian law for MOI personnel. The MOI commenced ICRC training courses before year's end.

There were instances during the first half of March in which security forces inadequately responded to violence, and a sense of insecurity and lawlessness grew during this period. Popular committees to protect neighborhoods were created in both Shia and Sunni areas, culminating in sectarian confrontations, the worst of which took place at the University of Bahrain on March 13. Police did not respond in time to prevent sectarian clashes between hundreds of students and vigilantes.

Arrest Procedures and Treatment While in Detention.—Under the law, in order to apprehend a felony suspect, police must under most circumstances present evidence to a judge, who decides whether to issue an arrest warrant. This process was not always enforced. However, during the SNS there was no requirement for a warrant. According to the law, an individual who is arrested must be interrogated immediately by the arresting authority and cannot be detained for more than 48 hours, after which the detainee must either be released or transferred to the Public Prosecution for further questioning. The Public Prosecution is required to question the detainee within 24 hours and the detainee has the right to legal counsel during questioning. In order to hold the detainee longer, the Public Prosecution must issue a formal detention order based on the charges against the detainee. Detention may be extended for a period of up to seven days for further questioning. If any further extension is required, the detainee must be brought before a judge, who may authorize a further extension not exceeding 45 days. Any extensions beyond that must be authorized by the Higher Criminal Court and renewed in 45-day intervals. In the case of alleged acts of terror, law enforcement officials may detain individuals for five days, with a 10-day extension granted by the Public Prosecution, and the initial detention authorized by the Public Prosecution can be 60 days. In most cases, attorneys must seek a court order to confer with clients. The state provided counsel to indigent detainees. There was a functioning system of bail that provided maximum and minimum bail amounts based on the charges. The bail law allows the presiding judge to determine the amount within these parameters on a case-by-case basis.

According to the BICI, during the SNS, many detainees were held for weeks or months with limited, if any, access to the outside world. There was no access to the courts to challenge the lawfulness of detention. Detainees were denied access to lawyers, sometimes for long periods and sometimes until the day of their trials. In addition the government withheld information from detainees and/or their families about the detainees' whereabouts for days or weeks. In a few cases, the government failed to acknowledge it was holding individuals in detention for up to two weeks. There were multiple reports of detainees held incommunicado for weeks or months.

Arbitrary Arrest.—During the period of the SNS, the BNSA, BDF, National Guard, and MOI (in particular the CID and the Public Security Forces, which include the riot police) arbitrarily arrested numerous individuals. The SNS decree authorized the military prosecutor to issue arrest warrants for an indefinite period of time without having to state the evidentiary basis or to secure judicial authorization. During the SNS, police and other authorities were not required to produce an arrest warrant before arrest. There were numerous reports that detainees were not allowed access to relatives or lawyers for weeks following arrest.

On May 2, a group of armed masked men wearing civilian clothes and using civilian cars reportedly ambushed Matar Ibrahim Matar, a former member of parliament and member of the Shia opposition political society Al-Wifaq, in the street without an arrest warrant. They forced him from his car at gunpoint, then drove him away for what family members were told would be an investigation. According to media sources and human rights organizations, Matar was held incommunicado for three weeks before he was allowed to contact his family. Matar's attorney requested the government to allow him to attend his client's interrogation and trial, but his request was denied. The attorney and Matar's family received information on an informal basis about his trial at the SNS courts and were granted permission to attend just in time for the trial. Matar was released on August 7, but his trial was transferred to civilian courts and was ongoing at year's end. He faced charges of "participating in illegal gatherings" for the purpose of "disrupting public security," "calling for illegal gatherings," and "inciting the overthrow of the regime."

e. Denial of Fair Public Trial.—Although the constitution provides for an independent judiciary, the king controls the judicial system. According to the constitution, the king appoints all judges by royal decree. He also serves as chairperson of the Supreme Judicial Council, the body responsible for supervising the work of the courts, and the public prosecutor. During the year the government used a hybrid military-civilian court to try civilians, including opposition leaders, political activists, rights activists, and others who supported or were perceived as supporting the protest movement.

Trial Procedures.—According to the constitution, defendants are presumed innocent until proven guilty. Civil and criminal trial procedures provide for a public trial. There are no jury trials. By law and in practice, defendants have the right to prompt consultation with an attorney of their choice within 48 hours (unless they are charged pursuant to counterterrorism legislation). The government provided counsel to indigent defendants. Defendants have the right to present witnesses and evidence on their behalf and question witnesses against them. No law governs defendants' access to government-held evidence and such evidence is available at the discretion of the court. Defendants have the right to appeal. Women's legal rights varied according to Shia or Sunni interpretations of Islamic law (see section 6).

The SNS court system, created by Royal Decree Number 18 on August 18, was composed of a lower court and a higher appellate chamber. Each chamber was composed of a presiding military judge appointed by the BDF commander in chief and two civilian judges. The military prosecutor handled all SNS cases. The SNS courts had jurisdiction over crimes deemed related to the SNS law, such as protest activities, violence against public officials, weapons violations, acts of terror, and those that relate to foreign or local security threats to the state. Although the trials were not public, family members and members of the international community and the human rights community were allowed to attend sessions of trials if granted permission by the military judiciary. The courts were conducted in military fashion, and the presiding judge often dismissed claims of torture by defendants, according to the BICI. According to activists and human rights organizations, SNS trials were unfair, and violations of due process occurred during proceedings. Common allegations were that detainees were not informed of charges against them, provided adequate access to legal counsel, given full access to evidence presented against them, or permitted to testify on their behalf in court. There were also allegations that statements made under torture or threat of torture were admitted by courts.

Following the issuance of Royal Decree Number 18, a series of royal decrees allowed appeals of SNS convictions in, and later the transfer of SNS cases to, the civilian court system. Royal Decree Number 48 requires the Court of Cassation to review death sentences issued by the SNS courts. On June 29, Royal Decree Number 62 announced the transfer of all cases and appeals not yet adjudicated by the SNS courts to civilian courts. This was partially reversed on August 18, when Law-by-Decree Number 28 was issued stating that ongoing felony cases would take place in the SNS courts whereas ongoing misdemeanor cases would be subject to civilian court review. In addition, the law-by-decree expanded convicted persons' right to appeal SNS appellate court judgments to the Public Prosecution and in the Court of Cassation (including those who had not received death sentences). The SNS courts officially closed on October 7. Some of the cases transferred to the civilian courts were suspended while others were ongoing at year's end.

Political Prisoners and Detainees.—Human rights organizations and the BICI reported that many of those arrested during the SNS period were targeted because of their political activism. Some detainees were leaders of, or affiliated with, political groups, including Ibrahim Sharif, secretary general of the secular, pansectarian, Wa'ad political society, and Shaikh Mohammed Ali Al Mahfoodh, secretary general of the registered Shia opposition political society Amal. On June 22, a SNS court sentenced Sharif to five years' imprisonment on various dubious charges that included "attempting to overthrow the regime." On October 4, a SNS court convicted Al Mahfoodh on charges that included seeking to overthrow the regime by force, inciting public hatred, and spreading false news. At year's end both cases were under appeal in the civilian system, and both men remained in prison.

According to the NGO Bahrain Human Rights Society (BHRS), during the SNS period more than 1,800 citizens were detained for activities related to the unrest. Many were arrested for their alleged involvement in protests or political activities, but it is unclear how many could be classified as political prisoners.

Political prisoners during the SNS were not given the same protections as other prisoners, according to the BICI, and were not given access to international humanitarian organizations.

Civil Judicial Procedures and Remedies.—Citizens may bring civil suits before a court seeking cessation of or damages for some types of human rights violations. However, in many such situations, the law prevents citizens from filing civil suits against security agencies. On August 28, the king announced a compensation fund for individuals who were "materially, morally, or physically harmed" by security forces or public officials during protests during the year.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the constitution prohibits such actions, the government violated these prohibitions during the SNS, and there were reports by human rights organizations that such violations may have continued after the end of the SNS. Human rights organizations reported that security forces entered homes without authorization. The BICI reported that "in many cases, the arresting units forcibly entered .homes., destroyed personal property, including cars, failed ..to identify themselves or . inform the arrested individual of the reasons for arrest or to show arrest warrants, and acted in an aggressive and, at times, terrorizing manner towards members of the household, including women and children."

The government is required to obtain a court order before monitoring telephone calls, e-mail, and personal correspondence.

Many Shia citizens and human rights organizations believed there were extensive police informer networks, but they were unable to provide concrete evidence.

According to the BICI report, the BNSA monitored the activities of individuals and groups inside the country thought to constitute a threat to national security during the events of February and March.

According to the BICI report, detainees often received threats from security officials that their family members would face reprisals for the detainees' activities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, "provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism are not aroused." In practice the government limited freedom of speech and press through a variety of means, including the active prosecution of individuals in both civilian and SNS courts under the press law, libel and slander laws, and national security-related laws.

Freedom of Speech.—The law forbids any speech that infringes on public order or morals. While individuals openly expressed critical opinions regarding domestic political and social issues in private settings, those who publicly expressed such opinions faced repercussions. There were multiple reports that government and parastatal employers dismissed or suspended workers for statements made either in person or through social media. During the year the government also prosecuted individuals in SNS and civilian courts for incitement against the government and insulting public officials.

On March 27, police arrested Fadhila Mubarak Ahmed at a security checkpoint for "playing music calling for the overthrow of the regime." Security forces claimed she refused to turn down the music and physically and verbally insulted a police officer. She was taken to a police station in Riffa and was later transferred to a police station in Isa Town. Security forces allegedly beat her while she was in custody. On May 18, the lower SNS court sentenced Ahmed, along with eight others, to four years' imprisonment for insulting a public official, calling openly for hatred of the regime, and taking part in illegal protests. On June 8, an appeals court reduced her sentence to 18 months. She remained in prison at year's end.

On March 30, Ayat Al Qurmozi, a university student, turned herself in to authorities following multiple raids on her family home. Al Qurmozi had risen to prominence following her recitation of original poems critical of the government at two demonstrations at the GCC/Pearl Roundabout in February and March. On two earlier occasions, masked members of the security forces raided her parents' house and threatened to kill her brothers unless she came forward, according to Amnesty International. She was held incommunicado for the first 15 days of her detention, during which time she was reportedly tortured. On June 13, a SNS court convicted Al Qurmozi of inciting hatred against the regime and taking part in an illegal gathering. On July 13, she was released from prison. On November 21, Al Qurmozi's defense attorney announced that the court of appeal had suspended the case upon the request of the public prosecutor.

Freedom of Press.—The government did not own any print media, but the Information Affairs Authority (IAA) and other government entities exercised considerable control over privately owned domestic print media. The government refused visas to many international media representatives.

On March 15, unknown vandals attacked the offices and printing presses of the independent Al Wasat newspaper, forcing it to stop publishing and to relocate its offices. On April 2, the IAA briefly suspended Al Wasat and blocked its Web site after a program called Al Rasid (The Observer) on state-run Bahrain Television alleged that the newspaper had published false news and photographs. On April 3, security officials detained Al Wasat's cofounder and board member, Abdul Kareem Fakhrawi, after he responded to a Sanabis police station summons. He died as a result of torture while in BNSA custody, according to the BICI. The IAA stated that Al Wasat was suspended for "unprofessional and unethical" reporting and ordered an inquiry into the newspaper's activities. The government published a 30-page report alleging that Al Wasat intended to "target" the country's security and stability by misleading readers through "lies, falsification, and plagiarism." The newspaper resumed publication on April 4, following the resignation of another founder and editor in chief, Mansoor Al-Jamri, and other senior staff members. Al-Jamri was rehired as editor in chief in August.

The government owned and operated all domestic radio and television stations. Radio and television broadcasts in Arabic, Farsi, and English from countries in the region, including by satellite, were generally received without interference. The IAA reviewed all books and publications prior to issuing printing licenses. The Ministry of Justice and Islamic Affairs reviewed books that discussed religion.

Violence and Harassment.—According to Reporters without Borders, there were many reports of journalists being harassed, arrested, or attacked due to their reporting during the year. The Committee to Protect Journalists and Reporters without Borders documented the detention of and physical assaults on journalists, including the deaths of two in custody, as well as government-sponsored billboards and advertisements smearing journalists and activists. The government also denied entry to, deported, and harassed foreign journalists during the year. For example, on March 16, the IAA required CNN reporter Mohammed Jamjoom to leave the country. The authorities did not provide a reason for his expulsion, but observers believed it was likely due to his critical reporting.

On May 22, police summoned and interrogated Nazeeha Saeed, a journalist for France 24 and Monte Carlo Radio. Authorities accused her of participating in protests and calling for the downfall of the regime, charges that she denied. She claimed that interrogators insulted her and questioned her about journalistic reports she had written for international media outlets. She reported that police officers repeatedly kicked and beat her with a rubber hose, applied electric shocks to her arm, poured urine on her face, forced a shoe into her mouth, and plunged her head into a toilet to simulate drowning. At the end of the interrogation, officials forced her to sign a document that she was not permitted to read. The journalist later filed a report of the incident with the MOI. On May 24, physicians from Doctors without Borders examined her, following which she traveled to Paris for medical treatment. On May 25, the interior minister announced an investigation into the reported abuse; there was no update at year's end.

Censorship and Content Restrictions.—Government censorship occurred. IAA personnel actively monitored and blocked stories on matters deemed sensitive, especially those related to sectarianism, national security, or criticism of the royal family, the Saudi royal family, or the judiciary. Journalists widely practiced self-censorship. According to some members of the media, government officials contacted editors directly and told them to stop writing about certain subjects or told them not to publish a press release or a story.

Libel Laws/National Security.—The government enforced libel and national security-related laws restricting freedom of press. The law provides for fines of as much as 10,000 dinars ($26,500) and prison sentences of at least six months for criticizing the king or inciting actions that undermine state security, as well as fines of up to 2,000 dinars ($5,300) for 14 related offenses. Punishable activities include publicizing statements issued by a foreign state or organization before obtaining the consent of the IAA president, publishing any reports that may adversely affect the dinar's value, reporting any offense against a head of a state that maintains diplomatic relations with the country, and publishing offensive remarks about an accredited representative of a foreign country because of acts connected with the person's position.

On June 14, the government announced it would sue British newspaper The Independent for libel over an article written by correspondent Robert Fisk. The government accused the newspaper of deliberately "orchestrating a defamatory and premeditated media campaign" and "failing to abide by professional impartiality and credibility in its one-sided news-coverage and reports." The status of the libel case remained unknown at year's end.

Internet Freedom.—The government restricted Internet freedom and monitored individuals' online activities, including via social media, punishing many during the year.

The governmental Telecommunications Regulatory Authority (TRA) ordered service providers to block Internet users' access to certain Web sites, including sites those officials considered antigovernment, anti-Islamic, or likely to incite sectarian tensions. During the year the government blocked the Web site of at least one human rights NGO, the Bahrain Center for Human Rights (BCHR). The government also blocked the Web sites of a number of opposition groups, including the Wifaq and Wa'ad political societies, for extended periods. Public discussion of blocked Web sites was widespread, and many users were able to access blocked sites through alternate servers.

On March 30, security forces arrested Mahmood Al Yousif, one of the country's most prominent bloggers, in a 3 a.m. raid on his home. After questioning, he was released from custody on March 31.

The BICI reported that detainees complained that security forces monitored or demanded access to their e-mail.

On April 9, the management of Al-Watan newspaper asked a journalist to resign without giving her a reason for her dismissal. A former colleague later informed her that she had been dismissed because a member of parliament had complained to her editor about the content of news articles she had been posting on her personal Facebook page, according to the BICI.

Academic Freedom and Cultural Events.—During the year the government dismissed professors and suspended or expelled hundreds of university students for their participation in demonstrations and political activities. Some academics censored themselves, avoiding discussion of contentious political issues.

The University of Bahrain suspended and subsequently dismissed 19 academics on charges ranging from participation in demonstrations to spreading false news. As of year's end, eight of the 19 academics had been reinstated with "final warnings," allowing the university to legally dismiss them in the future without further warnings.

On April 17, Abdulla Al Derazi was suspended from his position at the University of Bahrain for participating in demonstrations, talking to foreign media, and spreading false information. On August 11, he was dismissed after the university's investigative committee found him guilty of those charges. He was reinstated on December 4 after being issued a final warning.

According to a Human Rights Watch report, beginning in April, university authorities suspended or expelled at least 500 students for their alleged participation in antigovernment protests. Most of the students were enrolled at the University of Bahrain or Bahrain Polytechnic. Students reported that university committees did not permit them to defend their actions but made their decisions perfunctorily after 20 minutes to an hour of questioning. Official university statements prior to the expulsions indicated that students would be punished for violent actions only, but this did not appear to be the case. One student was reportedly expelled for planned absences from class and participation in rallies without prior permission from university authorities. University of Bahrain administrators reportedly advised professors not to write recommendations for expelled students. When it reopened in May, the University of Bahrain reportedly forced all students to sign "loyalty pledges" swearing their "complete loyalty to the leadership of the Kingdom of Bahrain represented by His Majesty King Hamad bin Isa Al Khalifa." The pledge included a promise "not to organize or participate in any activity within the campus or outside that is irrelevant to student and academic affairs and authorized research." On August 25, the Ministry of Education reversed the majority of disciplinary decisions taken against students and reinstated their scholarships.

There were reports of cultural institutions declining to offer programs considered too politically sensitive during the year.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of free assembly, but the law restricts the exercise of this right, and security forces intervened against many demonstrations during the year. Organizers must submit requests for permission to hold public gatherings or demonstrations to the MOI at least 72 hours in advance. The law states that funeral processions may not be turned into political rallies and security officials may be present at any public gathering. Organizers of an unauthorized gathering face prison sentences of three to six months.

The government limited and controlled political gatherings. The law regulates election campaigning and prohibits political activities at worship centers, universities, other schools, government buildings, and public institutions. The government

did not allow mosques, ma'tams (Shia religious community centers), or other religious sites to be used for political gatherings unless permission was first obtained.

While the government tolerated some spontaneous gatherings, authorities severely restricted freedom of assembly at various times. On several occasions government forces used unnecessary and disproportionate force to disperse protesters. The BICI found that the government used excessive force on February 17 when it used tear gas, shotguns, batons, sound bombs, and rubber bullets to disperse protesters from the GCC/Pearl Roundabout. Approximately 1,000 MOI personnel entered the GCC/Pearl Roundabout at 3 a.m. to disperse camping protesters. Personnel from the BNSA, CID, and BDF Intelligence were also on site. Security forces fired numerous rounds of tear gas to disperse protesters and engaged protesters directly. The MOI indicated that a number of protesters assaulted police officers with rocks, sticks, metal rods, swords, knives, and other sharp objects. As a result, more than 40 officers sustained injuries, including severe cuts to limbs. The clearing operation and subsequent clashes between security personnel and protesters led to the deaths of four individuals from shotgun wounds and injuries to 50 protesters. Soon after the police crackdown, BDF tanks occupied the GCC/Pearl Roundabout to stop demonstrators from occupying the area. On February 19, security forces withdrew from the GCC/Pearl Roundabout, allowing demonstrators to retake control of the area.

On February 17, Isa Abdulhasan Ali Hussain died from a shotgun injury to the head inflicted near the GCC/Pearl Roundabout. According to an eyewitness account, Hussain was part of a group of protesters clashing with police when an officer fired his weapon at Hussain at close range. On August 8, police officer Ameen Ahmed Musid, a Yemeni citizen, went on trial in a military court for manslaughter in connection to Hussain's death. At year's end the case and similar cases were referred to the Public Prosecution.

While the SNS was in effect, gatherings were not permitted, and the government detained and prosecuted many individuals on charges of participating in "illegal gatherings." On March 16, authorities again cleared the GCC/Pearl Roundabout of protesters and, on March 18, demolished the Pearl Monument. State-run Bahrain Television announced later that the "vile" antigovernment protests had "violated" and "desecrated" the monument and it had to be "cleansed."

Following the lifting of the SNS on June 1, opposition political societies regularly applied for, and in most cases received, permission to conduct rallies. However, the "February 14 Youth Movement" conducted numerous unregistered political protests, at times blocking roads with debris and throwing Molotov cocktails and iron bars. Security forces often responded and sometimes used excessive force.

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

The government required all groups to register: civil society groups with the Ministry of Human Rights and Social Development, political societies with the Ministry of Justice and Islamic Affairs, and labor unions with the Ministry of Labor. The government decided whether a group was social or political in nature, based on its proposed bylaws. The law prohibits any activity by an unlicensed society as well as any political activity by a licensed civil society group.

To apply for registration, a political society must submit its bylaws signed by all founding members, a list of all members and copies of their residency cards, and a financial statement identifying the society's sources of funding and bank information. The society's principles, goals, and programs must not run counter to Sharia or national interest, as interpreted by the judiciary, nor may the society be based on sectarian, geographic, or class identity.

A civil society group applying for registration must submit its bylaws signed by all founding members, together with minutes of the founding committee's meetings containing the names, professions, places of residence and signatures of all founding members. The law grants the Ministry of Human Rights and Social Development the right to reject the registration of any civil society group if it finds the society's services unnecessary, already provided by another society, contrary to state security, or aimed at reviving a previously dissolved society. Associations whose applications are rejected or ignored may appeal to the High Civil Court, which may annul the ministry's decision or refuse the appeal.

Many NGOs and civil society activists asserted that the Ministry of Human Rights and Social Development routinely exploited its oversight role to stymie the activities of NGOs and other civil society organizations. While some local NGOs asserted that bureaucratic incompetence characterized the ministry's dealings with NGOs, numerous others stated that officials actively sought to undermine some

groups' activities and impose burdensome bureaucratic procedures on NGO board members and volunteers.

On April 7, the Ministry of Justice suspended the secular, moderate Wa'ad political society, allegedly for statements "defaming the military and security forces." Officials shut Wa'ad headquarters and blocked its Web site. On June 18, the Ministry of Justice, declaring that the political society had issued a retraction, lifted the suspension; the political society was operating at year's end.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. However, the government did not always respect these rights in practice.

The government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel.—The law provides that the government may reject for "reasonable cause" applications to obtain or renew passports, but the applicant has the right to appeal such decisions before the High Civil Court. In practice authorities relied on determinations of "national security" when adjudicating passport applications. Authorities prevented several activists from leaving the country, and it was reported that defense lawyers were subject to travel bans during the SNS.

Protection of Refugees.—Access to Asylum.—The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Such individuals generally had access to certain social services, education, and employment.

Stateless Persons.—Citizenship is generally derived from the father. Noncitizen men who marry citizen women are not entitled to citizenship, and as a result children from such marriages may be stateless. In December the king granted citizenship to 335 persons born to citizen mothers and foreign fathers. It was unknown how many stateless persons resided in the country.

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

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

Citizens do not have the right to change their government or their political system. However, the constitution provides for a democratically elected Council of Representatives, the lower house of parliament. The king may dissolve the Council of Representatives at his discretion. He also has the power to amend the constitution and to propose, ratify, and promulgate laws.

Elections and Political Participation.—Recent Elections.—The September 24 Council of Representatives by-elections were marred by irregularities. Several registered political societies declined to participate. The by-elections which were organized to replace 18 members from the largest Shia political society, Wifaq, who resigned in February to protest government actions against demonstrators. The opposition political societies asserted that the government gerrymandered electoral districts in 2002 to provide for a progovernment, mostly Sunni, majority in the Council of Representatives. Progovernment political societies declined to run candidates in the election, primarily because the 18 districts in contention were majority Shia districts and progovernment Sunni candidates faced likely defeat, although those societies encouraged their members to vote. Approximately 17 percent of eligible voters participated in the two rounds of voting on September 24 and October 1. The majority of the winning candidates were self-declared independents, with only two candidates claiming ties to official political societies.

Many alleged that the government engineered the victory of some female and Shia candidates by encouraging their competitors to withdraw from the race, and there were accusations that some opposition political societies attempted to intimidate voters. Despite instructions to their members by the main opposition groups to refrain from harassing those citizens who chose to vote, MOI officials reported that members of an unnamed opposition group attempted to disrupt voting at a predominantly Shia precinct in A'ali by throwing rocks to intimidate candidates and voters.

Some candidates alleged there was a concerted effort by Shia election boycotters to force them to withdraw from the race. One newly elected candidate reported that a homemade explosive hit his house the evening that his victory was announced.

Political Parties.—The government did not allow the formation of political parties, but more than a dozen "political societies" developed political platforms, held internal elections, and hosted political gatherings. Individuals active with these societies and other opposition political society groups faced repercussions during the year. The government arrested and detained individual members of some political societies, including Wifaq and Wa'ad, for their political activities. They were charged with various crimes, including inciting hatred of the regime and attending an illegal gathering. Six members of the General Secretariat of the Amal political society were detained, tried, and convicted in as SNS court; the defendants remained imprisoned and their cases were under appeal at year's end.

During the year a number of elected municipal councils suspended several Wifaq political society municipal councilors because of their participation in antigovernment protests. In municipal councils where Wifaq members constituted a minority, Sunni members voted for their expulsion, sometimes in contradiction to the councils' bylaws. The minister of municipal affairs and urban planning petitioned the king's cabinet to dissolve municipal councils in which Wifaq members constituted the majority, but the cabinet did not address the petition during the year, and those councils continued to function without hindrance.

A new, predominantly Sunni, political society, the National Unity Gathering, received legal recognition in June.

Political societies were highly critical of provisions in the law requiring them to notify the government before contacting political groups abroad.

Participation of Women and Minorities.—The newly elected parliamentarians included three women, one of whom won by default when her opponents withdrew and two of whom won contested races, a first in the country's history. The elections brought the number of female members of the elected chamber to four. The Shura Council, the appointed 40-member upper house, included 11 women. Two women served as cabinet members, five women sat as judges on the criminal courts, and one was a judge on the Constitutional Court.

Although Shia and Sunni citizens have equal rights before the law, Sunnis dominated political life even though the majority of citizens were Shia. The Shura Council included 19 Shia members, including the speaker, as well as one Jewish member and one Christian member. Four of the 26 cabinet ministers were Shia, including one of the four deputy prime ministers.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and some officials reportedly engaged in corrupt practices with impunity. In September, in response to multiple corruption cases in 2009 and 2010, parliament passed a law making government employees at all levels subject to prosecution if they used their positions to engage in embezzlement or bribery, either directly or indirectly.

Penalties can be up to 10 years' imprisonment. In interviews with local press, the Bahrain Transparency Society (BTS) stated that, while progress had been made, there were ongoing concerns about corruption in parastatal companies, including Gulf Air and Aluminum Bahrain (Alba), and in the privatization of public land, which was a major concern of protesters. Significant areas of government activity, including the security services, lack transparency. The press reported that, in a number of cases, authorities jailed or fined law enforcement officials for misconduct, most often for accepting bribes. While an anticorruption unit was established in the MOI, the government did not announce any investigations. The law does not require government officials to make financial disclosure statements.

At year's end an appeal of the November 2010 verdict against two former managers of Alba continued. Activists alleged that the two employees of the aluminum firm, in which the government's sovereign wealth fund was the majority shareholder, were scapegoats for more senior Alba and government officials who engaged in illegal and corrupt activity.

The law does not provide citizens access to government-held information. Most companies and ministries have public Web sites, but specific budgetary information, such as individual expenditures and income, was not available. There was an ongoing internal push within some parts of the government to improve transparency, which has been resisted by other officials.

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

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

The BHRS is the main independent, licensed human rights organization in the country. After having been effectively shuttered in September 2010, it filed a lawsuit later that year appealing the ministerial decree dissolving its board of directors. On February 9, the case was resolved in the NGO's favor, and a new board of directors was elected on July 17, with the former secretary general reelected to his post.

The BCHR, which the government officially dissolved in 2004, continued to issue reports and had strong ties to international human rights NGOs. The BCHR regularly coordinated its activities with leaders of unregistered political groups. The government detained and questioned BCHR personnel several times during the year. An associate organization, the Bahrain Youth Human Rights Society, also continued to operate as an unregistered NGO.

Other local human rights organizations included the independent Migrant Workers Protection Society and several women's rights NGOs, notably the Bahrain Women's Association, the Bahrain Women's Union, and the Young Ladies Society. The Bahrain Human Rights Watch Society was generally supportive of government policies but issued critical reports at times during the year.

In response to the general state of fear that pervaded society during the SNS period, Wifaq created an ad hoc human rights group to record violations. Information provided by Wifaq's human rights committee was cited throughout the BICI report.

The government refused to allow representatives of multiple international human rights organizations to enter the country beginning in mid-February. The government also barred entry to representatives of foreign NGOs working on strengthening institutions and civil society and labor organizations.

Government Human Rights Bodies.—Several members of the quasigovernmental National Human Rights Institute (NHRI) resigned in protest following the imposition of the SNS. The NHRI is a royally appointed body outside the control of the government ministries.

On June 29, the government convened the BICI, whose staff included respected international human rights experts, and tasked it with investigating allegations of human rights violations in February and March and making recommendations for reform. The government generally cooperated with the BICI. The government allocated the commission its own funds, which it used to employ local and international staff. The public generally accepted the report's findings. The BICI report, released on November 23 and accepted by the government, described a "culture of impunity" in the security services and documented excessive use of force, including torture, and a range of other human rights violations by security forces during the unrest. The report also criticized the conduct of some protesters and made a number of recommendations to the government. By year's end the government had begun to implement some of the recommendations.

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

The constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. These rights were protected unevenly, depending on an individual's social status, sect, or gender. The law does not specifically prohibit discrimination based on race, gender, disability, language, religion, sect, or social status. The law deprives foreign workers, who make up approximately half the population, of many fundamental legal, social, and economic rights.

Women.—Rape and Domestic Violence.—Rape is illegal. The law does not address spousal rape. Penalties for rape include life imprisonment and execution in cases where the victim is a minor younger than 16 or in cases where the rape leads to the victim's death. The government reported 425 cases of sexual harassment and rape during the year but did not provide further details. During the year, 222 defendants were put on trial and 132 were convicted. The press reported cases of men arrested for rape, including a few in which fathers of rape victims sought lighter sentences for perpetrators. There were numerous reports of employers raping female domestic workers, but most victims did not seek legal redress since guilt cannot be proven in court without the testimony of witnesses to the crime.

No government policies or laws explicitly addressed domestic violence. Human rights organizations alleged that spousal abuse of women was widespread. Women

rarely sought legal redress for violence due to fear of social reprisal or stigma. Little public attention was devoted to the problem.

Sexual Harassment.—The law prohibits sexual harassment with penalties of imprisonment of up to one year or a fine of 100 dinars ($265) if the victim was 14-21 years old and up to three months in prison and a fine of 20 dinars ($53) if the suspect is convicted of insulting or committing an indecent act towards a female in public. The government enforced the law in practice. Sexual harassment remained a widespread problem for women, especially foreigners employed as domestic workers and in other low-level service jobs. The press reported a number of cases of men arrested for sexually harassing women. The government reported 425 cases of sexual harassment and rape during the year but did not provide further details. In those cases, 222 suspects were put on trial and 132 were convicted.

Reproductive Rights.—Reproductive health services, including birth control and maternity care, were available without charge to all women. Health centers required women to obtain spousal consent in order to undergo sterilization; this consent requirement did not apply to provision of other family planning services. There was no information as to whether women received equal diagnosis and treatment for sexually transmitted infections.

Discrimination.—Women faced discrimination under the law. A woman cannot transmit nationality to her spouse or children (see section 2.d., Stateless Persons). Women have the right to initiate divorce proceedings, but religious courts may refuse the request. In divorce cases the courts routinely granted mothers custody of daughters younger than age nine and sons younger than age seven. Custody usually reverted to the father once the children reached nine and seven, respectively. Regardless of custody decisions, the father retains guardianship, or the right to make all legal decisions for the child, until a child reaches the age of 21. A noncitizen woman automatically loses custody of her children if she divorces their citizen father "without just cause."

Women may own and inherit property and represent themselves in all public and legal matters. In the absence of a direct male heir, Shia women may inherit all their husband's property, while Sunni women inherit only a portion, as governed by Sharia, and the brothers or other male relatives of the deceased divide the balance. In practice better-educated families used wills and other legal tools to mitigate the negative effects of these rules.

Labor laws prohibit discrimination against women. However, discrimination against women was systemic in the country, especially in the workplace, as evident from the high official figures for sexual harassment. The influence of cultural barriers and religious traditionalists sometimes hampered women's rights.

Children.—Birth Registration.—Citizenship is derived from one's father. Women cannot transmit their nationality to their children; therefore, children of some citizen mothers and noncitizen fathers are born stateless (see section 2.d., Stateless Persons). Births are not registered immediately. From birth to the age of three months, children are registered with the mother's primary health-care provider. Upon reaching three months, the birth is registered with the Ministry of Health Birth Registration Unit, which then issues the official birth certificate. Children not registered by one year of birth must obtain a registration by court order. The government will not provide public services to a child without a birth certificate.

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

Child Abuse.—NGOs reported an increase in the number of child abuse cases in recent years but were unsure whether it was due to an actual increase in abuse or a greater willingness to report it. Sharia courts, not civil courts, address crimes involving child abuse, including violence against children. NGOs expressed concern over the lack of consistent, written guidelines for prosecuting and punishing offenders and the leniency of penalties involving child abuse cases. The Be Free Center, an associate of the Bahrain Women's Association that focuses on child abuse awareness and prevention, dealt with approximately 400 child abuse victims during the year. The government reported 848 cases of child abuse during the year.

Sexual Exploitation of Children.—The law prohibits exploitation of a child for various crimes, including prostitution. Penalties include imprisonment of no less than three months if the accused used exploitation and force to commit the crime and up to six years if more than one child was exploited, as well as penalties of at least 2,000 dinars ($5,340) for individuals and at least 10,000 dinars ($26,600) for organizations. Penalties vary depending on the specific law involved. The law also pro-

hibits child pornography. There is no minimum age of consensual sex as the law assumes there is no consensual sex outside of marriage. The minimum age of marriage is 15 for females and 18 for males, but special circumstances allow marriage below these ages with approval from a Sharia court. Cases of commercial sexual exploitation of children were rare.

International Child Abductions.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—According to the Ministry of Human Rights and Social Development, there were 37 Jews in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

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

There were no official reports of discrimination against persons with disabilities in employment, education, or access to health care. According to anecdotal evidence, however, disabled persons routinely suffered lack of access to education and employment. The one government school for children with hearing disabilities did not operate past the 10th grade. Some public schools had specialized education programs for children with learning disabilities, physical handicaps, speech impediments, and Down syndrome, but the government did not fund private programs for children who could not find appropriate programs in public schools.

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

National/Racial/Ethnic Minorities.—The law grants citizenship to Arab applicants who have resided in the country for 15 years and non-Arab applicants who have resided in the country for 25 years. There was a lack of transparency in the naturalization process, and there were numerous reports that the citizenship law was not applied uniformly. There were allegations that the government allowed foreign Sunni employees of the security services that had lived in the country for fewer than 15 years to apply for citizenship. There were also reports of Arab Shia who had resided in the country for more than 15 years and non-Arab foreign residents who had resided more than 25 years, who had not been granted citizenship.

Although the government asserted that the labor code for the private sector applies to all workers, the International Labor Organization (ILO) and international NGOs noted that, in practice, foreign workers faced discrimination in the workplace (see section 7).

According to the BICI, in mid-March rioters beat to death two South Asians and attacked 87 others. According to testimony provided to the BICI, the attackers targeted the individuals due to their ethnicity.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law does not criminalize consensual same-sex sexual activity between consenting persons who are at least 21 years of age. However, lesbian, gay, bisexual, and transgender (LGBT) activities were not socially accepted, and discrimination based on sexual orientation or gender identity was common. The Lower Criminal Court convicted 49 male Gulf nationals for allegedly practicing prostitution and other illicit acts while attending a "gay wedding," according to local press reports. The High Criminal Court upheld the charges in December, and the men were sentenced to six months' imprisonment.

Other Societal Violence or Discrimination.—The media reported few cases of HIV/AIDS. There were no known reports of societal violence or discrimination against persons based on HIV/AIDS status, but medical experts acknowledged publicly that discrimination existed. The government mandated screening of newly arrived migrant workers for infectious diseases, including HIV/AIDS. Migrant workers found to be HIV-positive faced deportation.

Promotion of Acts of Discrimination.—According to the BICI, during the disturbances that began in February, the government used official media outlets, especially state-owned Bahrain Television, to produce biased and sensationalist coverage of the unfolding events and to promote sectarianism. During the year Bahrain Television

ran a series of programs in which citizens were identified as having participated in demonstrations and it broadcast confessions by detainees and video footage of criminal acts prior to trials. One sports program interrogated national athletes, such as former national soccer team players Alaa Hubail and Sayed Mohammed Adnan, on air about their involvement in protests during the February and March period. Days after the program aired, the two men were arrested.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution and labor code recognize the right to form trade unions independent of government and political parties and the right to strike, but both rights were restricted and the law was not consistently applied. Unions are independent of government and political parties. The right to collective bargaining is not protected by the law. Public sector trade unions are prohibited, but public sector workers may join private sector trade unions and professional associations. Members of the military services are also prohibited from joining unions. With the exception of domestic servants, foreign workers, who made up approximately 60 percent of the workforce, are allowed to join unions. The law prohibits unions from engaging in political activities and states that all trade unions are required to join the General Federation of Bahrain Trade Unions (GFBTU).

The law prohibits strikes in 10 "vital" sectors, the scope of which exceed international standards, including the oil, gas, education, telecommunications, transportation, and health sectors, as well as in pharmacies and bakeries. The law imposes excessive requirements for strikes to be legal and specifies that only a trade union can organize and declare strikes. Workers must approve a strike with a simple majority by secret ballot and provide 15 days' notification to the employer before conducting a strike.

The government and employers violated labor laws and international standards and practiced antiunion discrimination in the aftermath of the unrest. The BICI found the government and employers unfairly dismissed workers for union activities, violated workers' right to conduct legal strikes, targeted union leaders and union members, dismissed or suspended employees without due process, and discriminated against workers (specifically Shia workers) for their political opinions or religious beliefs, in contravention of the constitution and domestic law.

On February 19, after security forces raided the GCC/Pearl Roundabout, the GFBTU, which represented more than 70 trade unions cumulatively representing more than 20,000 workers, called for a general strike demanding the government withdraw security forces and allow peaceful demonstrations. On February 21, the GFBTU suspended the strike.

On March 13, the GFBTU called for a second general strike to protest excessive use of force by security forces and to voice general socioeconomic grievances affecting the workforce. The March 15 imposition of the SNS restricted union activities, including the right to assemble. On March 22, the GFBTU called off the second strike after the minister of labor promised that workers would not face punitive measures for participating in strikes. Nevertheless, from March through May, employers dismissed 2,462 workers from the private (parastatal) sector and 1,945 from the public sector, including 57 union leaders (26 percent of the country's union leadership), and suspended hundreds more, according to the BICI report, citing statistics from the Ministry of Labor and Civil Service Bureau. The GFBTU reported 2,010 private and 372 public sector dismissals, according to November statistics.

The most common reason employers cited for dismissal was absence from work, which coincided with the dates of the general union strikes. However, the BICI report concluded that the majority of dismissals were motivated by a desire to retaliate against employees suspected of being involved in demonstrations. In some cases employers dismissed workers without any reason or due process, according to the BICI report and an international labor organization. Some workers and union members reported they had never been absent from work. Others reported that they were forced to tender their resignations under duress or were physically and verbally abused at their workplaces. In many cases employers threatened to refer employees for criminal investigations. Employers and the government targeted union leaders. In March the management of the Arab Shipbuilding and Repair Yard dismissed all the leaders of its trade union, effectively dissolving the union and stopped the transfer to union coffers of dues deducted from members' salaries.

According to the BICI report and other reports, on March 28 and 31, security forces arrested, interrogated, and in some cases physically assaulted workers, especially Shia employees of Gulf Air. Gulf Air officials later admitted the company did not follow proper procedures when it dismissed 219 workers. It cited general insecurity as a reason it could not send the legally required written dismissal notices,

while simultaneously rejecting absentee workers' claims that the security situation prevented them from reaching their workplaces.

On April 29, the prime minister established a committee to examine all dismissals in the private/parastatal sector, with the goal of reinstating workers who were illegally terminated, based on recommendations from the ILO. In July the committee, chaired by the minister of labor, determined that 1,371 employees were illegally terminated and recommended their reinstatement. On August 28, the king ordered all concerned organizations to reinstate dismissed workers. By year's end a number of reinstatements had occurred and many others were underway. The process of reinstatement was characterized by lengthy delays, a complicated appeals processes, and inaction or outright refusal to act on the part of some companies and government organizations.

Throughout the year the number of dismissals and reinstatements was a source of disagreement between the government and GFBTU, which sharply disagreed over the methodology for measuring both. At times the Ministry of Labor claimed that dismissals regarded by the GBFTU as unlawful were justified by national security interests. In its report the BICI listed 820 private-sector reinstatements. On October 27, the Ministry of Labor reported 1,623 dismissals and 1,136 reinstatements in the private/parastatal sector. On November 17, the GFBTU reported 1,673 total dismissals but could confirm only 336 reinstatements in the private/parastatal sector. Some reinstated workers were given unfair conditions for reinstatement, including demotion, reduction in responsibility, docking of wages and/or annual leave, reinstatement under "final-warning" status, or compulsory signing of "loyalty pledges" to the government. The issues remained unresolved at year's end.

On December 13, the minister of labor announced the formation of a tripartite committee to reinvestigate all dismissal cases from the unrest period. The committee consisted of representatives from the Ministry of Labor, the Bahrain Chamber of Commerce and Industry, and the GFBTU.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. However, there were reports that such practices occurred, particularly among domestic workers and others working in the informal sector, none of whom are fully protected by the legal code.

Unskilled foreign workers, with the exception of domestic workers, are covered by labor laws, but enforcement was lax, and cases of debt bondage were common (see section 7.d.).

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits child labor and establishes protections for children from workplace exploitation, and in general the government effectively enforced these laws. Some children were believed to work in family-run businesses, but the practice was not widespread. There were reports of children trafficked into the country for domestic service.

The minimum age for employment is 16. The Ministry of Labor made rare exceptions on a case-by-case basis for juveniles between the ages of 14 and 16 who have an urgent need to assist in providing financial support for their families. Minors may not work in industries that the Ministry of Health deems hazardous or unhealthy, including construction, mining, and oil refining. Minors may work no more than six hours a day and may be present on the employment premises no more than seven hours a day. These regulations do not apply to family-operated businesses in which the only other employees are family members.

According to NGOs, government labor inspectors monitored and enforced child labor laws effectively in the industrial sector. The government did not report any child labor violations during the year.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—There is no national minimum wage. Public sector workers are covered by a standardized government pay scale, with a set minimum of 300 dinars ($798) pay per month. Citizens who earned less received a government stipend to offset the difference. There was no official poverty level.

The standard workweek is 48 hours. Workers are entitled to paid annual holidays and premium pay for overtime. Excessive compulsory overtime in excess of 60 hours per week requires permission from the Ministry of Labor.

The Ministry of Labor enforced the labor law and mandated acceptable conditions of work for all adult workers except domestic workers. According to NGOs, workplace safety standards were generally adequate, but inspection and compliance were substandard. During the year the Ministry of Labor employed 43 labor inspectors.

The ministry set occupational safety and health standards and sporadically enforced them with a team of six engineers from multiple specialties. Inspectors had the authority to levy fines and close worksites if employers did not improve conditions by specified deadlines. There were reports of employers being fined for violations. Penalties include fines of at least 50 dinars ($133) and up to 300 dinars ($798).

A ministerial decree prohibits outdoor work between noon and 4 p.m. during July and August. The ban is not strictly enforced and violations were common. The Ministry of Labor reported that 24 companies were cited for violating the summer work restriction. Penalties include fines of at least 50 dinars ($133) and up to 300 dinars ($798).

During the year the media reported several workplace deaths owing to a combination of inadequate safety procedures, worker ignorance of those procedures, and inadequate safety standards for equipment. Exact figures were not available. Particularly hazardous sectors included construction and automotive repair.

Unskilled foreign workers, mostly from South and Southeast Asia, made up approximately 60 percent of the workforce (76 percent of the private-sector workforce). They were particularly vulnerable to forced labor and in some cases were subject to withholding of passports, restrictions on movement, contract substitution, nonpayment of wages, threats, and physical and sexual abuse. A 2009 study by the country's Labor Market Regulatory Authority (LMRA) found that 65 percent of foreign workers had not seen their employment contract and that 89 percent were unaware of their terms of employment. Some foreign workers arrived in the country under the sponsorship of an employer and then switched jobs while continuing to pay a fee to their original sponsor, which made it difficult to monitor and control their employment. Some employers illegally charged workers exorbitant fees to remain in the country and work for other employers. Estimates of the proportion of migrant workers in the country under illegal "free visa" arrangements—a practice that can contribute to debt bondage—ranged from 10 to 25 percent. In numerous cases employers withheld salaries from foreign workers for months or years and refused to grant them permission to leave the country. The fear of deportation or employer retaliation prevented many foreign workers from complaining to authorities.

The government and the courts generally worked to rectify abuses brought to their attention. Workers may lodge complaints with the Ministry of Labor. The ministry reported that it received 2,820 complaints, including joint complaints, brought during the year by a total of 4,398 female and 861 male workers. During the year inspectors visited 354 labor camps to verify that workers' accommodations met required safety and hygiene standards. Violations were found in 348 camps; 230 were issued orders to rectify the violations, nine cases were transferred to the public prosecution for legal action, and the other cases remained under investigation as of year's end. Inspectors are authorized to inspect only premises that have a commercial registration and could not inspect private homes where most domestic workers lived or unregistered "private" camps where many unskilled laborers lived.

The labor law does not protect domestic workers, and this group was particularly vulnerable to exploitation. There were credible reports that many of the country's 70,000 domestic workers, most of them women, were forced to work 12- to 16-hour days, had to give their identity documents to employers, had little time off, were malnourished, and were subject to verbal and physical abuse, including sexual molestation and rape. On average the Ministry of Labor received three complaints from domestic workers per month. Reports of employers and recruitment agents beating or sexually abusing foreign women working in domestic positions were common. Numerous instances were reported to embassies, the press, and police. Most victims were too intimidated to sue their employers, although they had the right to do so. If a victim brings suit against her employer, she cannot leave the country for the duration of the case. Ministry of Labor officials stated that they were able to resolve most of these cases through mediation. The public prosecutor took the remaining cases for investigation. Complaints that cannot be settled though arbitration must be referred to the court within 15 days. However, the vast majority of cases involving abused domestic workers did not reach the Ministry of Labor or the public prosecutor.

During the year the Migrant Workers Protection Society shelter assisted 128 female domestic workers. The Migrant Workers Protection Society continued to support victims who took their cases to court, but compensation to victims was reportedly meager.

The government continued to conduct workers' rights awareness campaigns, publish pamphlets on foreign resident workers' rights in several languages, provide manuals on these rights to local diplomatic missions, and operate a telephone hotline for victims.

EGYPT

EXECUTIVE SUMMARY

Egypt is a republic governed at year's end by the Supreme Council of the Armed Forces (SCAF), a transitional authority of senior military officers that rules by decree. The appointed civilian Cabinet of Ministers carries out the SCAF's executive responsibilities. Legislative elections began on November 28 and were scheduled to end in February 2012. Nongovernmental (NGO) observers reported the first two rounds of elections that took place during the calendar year to be generally free from state interference. There were instances in which elements of the security forces acted independently of civilian control.

On February 11, then president Muhammad Hosni Mubarak transferred executive authority to the SCAF following antigovernment demonstrations that began on January 25. On February 13, the SCAF suspended the 1971 constitution and dissolved the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. On March 19, voters approved a constitutional referendum that mandated new legislative elections and the drafting of a new constitution. The referendum balloting was considered free and fair. On March 30, the SCAF issued a provisional constitution. Presidential elections were scheduled to be held in May 2012.

The most significant human rights problems during the year were attacks on demonstrators, violence against religious minorities, the use of military courts in civilian cases, and arbitrary arrest, especially as permitted under the Emergency Law. Authorities harassed and pursued a broad-based investigation of nongovernmental organizations (NGOs) and their staff; state media and government figures branded many civil society activists "traitors" in a campaign against foreign funding of civil society groups. Security forces and civilian thugs attacked demonstrators during the year; these attacks, along with clashes among opposing groups of demonstrators, killed at least 930 persons. Beginning on January 28, authorities arrested and tried approximately 12,000 civilians in military courts that lacked fundamental due process procedures for offenses ranging from "thuggery" to "insulting the military." The SCAF expanded the Emergency Law, in place almost continuously since 1967, to include broad offenses such as "causing internal tensions." Under the Emergency Law, citizens were subject to arbitrary arrest and detention and unfair judicial procedures, although the transitional authorities primarily applied the code of military justice, rather than the Emergency Law, against demonstrators during the year.

Other human rights problems included physical abuse and torture by security forces, poor prison conditions, and governmental restrictions on freedom of expression, assembly, and association. Authorities detained journalists and bloggers for criticizing the military. The previous government severely restricted Internet freedom when it cut connections to telecommunication networks during the peak of antigovernment demonstrations. After the revolution security forces, including military police, used excessive force to disperse protesters and specifically harassed female protesters. Authorities continued to enforce onerous restrictions on non-Muslims establishing and repairing places of worship, and non-Muslims were targets of government and societal violence. The government continued to shoot African migrants attempting to cross the Sinai Desert en route to Israel. Domestic violence and societal discrimination against women was widespread.

Official impunity was a problem. In rare instances, such as the high-profile June 2010 killing of Khaled Saeed, the government took steps to prosecute security forces.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The National Security Sector (NSS) and the national police were the units most often involved in alleged deaths in custody. The Ministry of Interior's Central Security Forces and military police were accused in casualties related to excessive use of force during demonstrations.

On January 4 or 5, NSS officers reportedly tortured Salafist preacher Sayed Bilal to death. Bilal's death came within 24 hours of his arrest on January 4 for alleged involvement in the January 1 bombing of the Two Saints Church in Alexandria. Security officials claimed that the 31-year-old died of a heart attack while being questioned, but photographs of his body reportedly showed signs of torture. Members of Bilal's family said authorities threatened that they would be arrested if they did not stop talking to the media and human rights organizations. On October 26, a judge in Alexandria ordered five NSS officers to stand trial for Bilal's death; however, at

year's end, the trial had not started, and only one of the five accused officers was in custody.

According to Ministry of Health statistics, clashes between security forces, thugs, and demonstrators killed more than 930 protesters during major incidents in January, February, October, November, and December. Deaths occurred when security forces used disproportionate force to clear demonstrators from public squares, including the use of large amounts of tear gas, ammunition, and/or rubber-coated steel bullets. NGOs, activists, and doctors treating the wounded reported deaths by live ammunition, although the government consistently denied using live ammunition, instead blaming unknown "infiltrators." In some cases demonstrators threw rocks or Molotov cocktails at security forces.

Video evidence from an October 9 protest by Coptic Christians clearly depicted armored personnel carriers running over unarmed civilians. In that case the military blamed "distraught" soldiers who feared for their lives due to the large, violent crowds and announced it had begun to try three soldiers for involuntary manslaughter related to their actions on October 9. On December 27, the military court handling the case temporarily adjourned the trial to allow time to gather more evidence and to question additional witnesses.

Trials beginning on August 1 continued at year's end to determine the culpability of then president Mubarak, then minister of interior Habib Al Adly, and six Interior Ministry codefendants for deaths during the January and February demonstrations.

There were developments in one notable case from 2010. On December 26, the Public Prosecutor's Office appealed an October 26 decision in which an Alexandria criminal court sentenced police officers Mahmoud Saleh and Awad Ismail to seven years in prison for killing Khaled Saeed in June 2010, on the grounds that the seven-year sentence was too lenient. A government autopsy concluded that Saeed died from choking on a bag of cannabis. However, on August 28, the Alexandria court ordered the government's Forensics Investigations Committee to reexamine the official autopsy results after independent autopsy results submitted by Saeed's family indicated he had been tortured and the bag of cannabis placed in his mouth after he died.

b. Disappearance.—According to the 2011 U.N. Human Rights Council Report of the Working Group on Enforced or Involuntary Disappearances, there were 41 outstanding disappearance cases. The government made no efforts to prevent or investigate these incidents. Domestic and international human rights organizations claimed there were hundreds and perhaps thousands of unreported cases of citizens who disappeared into military detention during and after the revolution. The government insisted that all those detained during the revolution were released. Some of those released said the military accused them of being foreign spies and tortured them.

On October 13, for example, persons belonging to "a security agency" allegedly kidnapped the physician Ahmed Atef, leader of a doctors' syndicate strike, and interrogated him for three days in an unknown location before releasing him.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1971 constitution and the provisional constitution prohibit the infliction of "physical or moral harm" upon persons who have been arrested or detained; however, the law fails to account for mental or psychological abuse, abuse against persons who have not been formally accused, or abuse occurring for reasons other than securing a confession. Police, military and security personnel, and prison guards often tortured and abused prisoners and detainees.

Domestic and international human rights organizations reported that the NSS, police, and military used torture to extract information from detainees. In numerous trials defendants alleged that police tortured them during questioning. Before and after the revolution, police and NSS officers reportedly employed methods such as stripping and blindfolding victims; suspending them by the wrists and ankles in contorted positions or from a ceiling or door frame with feet just touching the floor; beating them with fists, whips, metal rods, or other objects; using electric shocks; dousing them with cold water; sleep deprivation; and sexual abuse, including sodomy. There were reports that security officials sexually assaulted some detainees or threatened to rape them or their family members. The absence of legally required written police records effectively stymied investigations.

On March 9, according to Amnesty International and other sources, military police reportedly detained 17 women protesting in Tahrir Square, beat and used electric shocks on them, then strip-searched and sexually assaulted seven of them through forced "virginity tests." On March 11, a military court tried the women for disorderly conduct, destroying property, and obstructing traffic and issued suspended sentences to some. While the government denied the "virginity test" allega-

tions, in May a senior Egyptian general confirmed them in an interview, stating they performed the tests to protect the military from rape allegations. Samira Ibrahim, who pursued charges against the military for the alleged abuse, reported receiving telephone calls threatening rape or death. On December 27, the military stated that it was investigating an army doctor in connection with the tests.

On October 27, after they found him in possession of a mobile phone SIM card, security forces allegedly tortured to death Essam Ali Atta, who was serving a two-year sentence in Cairo's Tora prison for "illegally occupying an apartment." Atta's mother, who said in an interview with a local media outlet that she witnessed the torture while visiting her son, told police that prison guards turned a water hose on and inserted it alternately into Atta's mouth and anus. The police did not investigate the claim and stated that Atta died as a result of ingesting drugs.

One media report indicated an effort by the government to intentionally commit a sane person to an institution for the mentally ill. On October 23, media reports confirmed by family members alleged that a military court referred detained blogger Maikel Nabil Sanad to an institution for the mentally ill in Cairo. The facility reportedly refused to admit him and released a statement suggesting the referral was made for political purposes.

On June 21, the public prosecutor formed a committee of three judges to review and investigate torture complaints submitted after the revolution. At year's end it was unclear whether this committee was functioning.

Prison and Detention Center Conditions.—Conditions in the country's prisons and detention centers remained harsh. According to international NGO observers, prison cells were overcrowded, with a lack of medical care, proper sanitation, food, clean water, and proper ventilation. Tuberculosis remained widespread. Provisions for temperature control and lighting generally were inadequate. Abuse was common, especially of juveniles in adult facilities, and guards brutalized prisoners. Ministry of Interior officials claimed that the ministry began renovating prisons after the revolution.

Prison unrest during the revolution resulted in the release or escape of approximately 23,000 inmates and the deaths of at least 189. According to NGO observers, guards killed more than 100 prisoners and injured hundreds of others between January 29 and February 20.

There were approximately 66,000 prisoners. Juveniles were not always separated from adults. Pretrial detainees sometimes were held with convicted prisoners. Prison conditions for women were marginally better than those for men. There was no information as to whether the government had taken steps to improve record-keeping or use alternatives for sentencing nonviolent offenders.

The penal code provides for reasonable access to visitors. However, according to NGO observers and relatives of inmates, the government sometimes prevented visitors' access to detainees. Prisoners were permitted religious observance. Authorities permitted prisoners to submit complaints to judicial authorities without censorship and to request investigation of alleged inhumane conditions. However, NGO observers claimed that prisoners sometimes were reluctant to do so out of fear of retribution from prison officials. In addition authorities rarely investigated such allegations.

The government permitted a small number of independent human rights observers to visit some prisons and detention centers during the year, but most remained completely closed to the public. As required by law, the public prosecutor continued to inspect regular prisons. NSS detention centers were excluded from inspections. On August 16, a delegation from the quasi-governmental National Council for Human Rights (NCHR) visited Cairo's Tora Prison, where authorities were holding former president Mubarak's sons and some of his associates. The delegation reported that the high-profile prisoners did not enjoy special privileges and that the hospital provided only basic services. They also noted that inmates requested longer recreation hours, permission to pray at the prison mosque, and more telephone calls. The NCHR considered itself an ombudsman serving on behalf of prisoners, but there was no official government ombudsman.

d. Arbitrary Arrest or Detention.—The 1971 constitution and the provisional constitution prohibit arbitrary arrest and detention. However, police, NSS, and military forces engaged in such practices before, during, and after the January and February demonstrations, including large-scale detentions of hundreds of individuals without charge.

Role of the Police and Security Apparatus.—The Ministry of Interior controls the national police, which operate in large cities and governorates; the NSS, established on March 15 after the government announced the dissolution of the State Security Investigative Services, which conducts investigations; and the Central Security

Forces (CSF), which maintain public order. NSS and CSF officers are responsible for law enforcement at the national level and for providing security for infrastructure and key domestic and foreign officials. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Antinarcotics General Administration, also work at the national level.

Before January 25, the security forces operated under a central chain of command. Working in concert with a large network of formal and informal informants, they were considered generally effective in combating crime and terrorism and maintaining public order. During the revolution the Ministry of Interior lost significant organizational capacity. The postrevolution police, NSS, and CSF were not generally considered effective at preventing and investigating crime or maintaining public order. The Egyptian Armed Forces, previously responsible only for external security, became primarily responsible for internal security in urban areas. During the year the national police slowly began to take back authority for basic tasks such as directing traffic, and the NSS regained some investigative capacity, but the incidence of petty and violent crimes increased. During demonstrations, which occurred frequently throughout the year, CSF and military police were generally responsible for maintaining order.

Impunity was a significant problem. Security forces were accused of using excessive force and intimidation in numerous incidents. For example, on October 9, military police and civilian thugs killed approximately 25 persons and wounded an estimated 330 during a demonstration in Cairo by Coptic Christians. Security forces also failed to effectively prevent or respond to incidents of societal violence, including the September 9 mob attacks on the Israeli embassy and other diplomatic facilities. There were no systematic or effective internal or external mechanisms to investigate security force abuses, although the government occasionally investigated and prosecuted instances of abuse. For example, on May 23, a Cairo criminal court sentenced police officer Mohammed Mahmoud Abdel Monem to death, in absentia, for killing 20 protesters on January 28. However, at year's end authorities had not apprehended Abdel Monem. Throughout the year the interior minister reassigned some personnel and accepted the resignations of others in an effort to respond to popular demands to reform the ministry.

Arrest Procedures and Treatment While in Detention.—The government arrested and detained individuals under the Emergency Law, code of military justice, and penal code, each of which gives the government broad powers. All three legal regimes operated simultaneously. Before the revolution most cases were prosecuted under the penal code.

In September the SCAF announced that the Emergency Law would continue to be applied until June 2012 and amended the law to include new violations such as "attacks on freedom of work," "blocking traffic or closing roads," and "intentionally publishing or broadcasting false news and rumors." The Emergency Law allows arrest without a warrant and detention of an individual without charge for as long as 30 days, after which a detainee may demand a court hearing to challenge the legality of the detention order. A detainee may resubmit a motion for a hearing at one-month intervals thereafter; however, there is no limit to the detention period if a judge continues to uphold the order or if the detainee fails to exercise the right to a hearing, and there is no possibility of bail. Although the Emergency Law stipulates access to an attorney and, if indigent, an attorney provided by the state, many detainees remained incommunicado in state security detention facilities without access to family members or to lawyers before their cases were transferred to trial, and some faced torture in detention.

Beginning January 28, the government enforced the code of military justice, initially in lieu of and subsequently in addition to the penal code. It allows the arrest of military personnel and civilians accused of ordinary crimes as well as offenses against the armed forces and those that "harm national security." Military judges issue warrants, and detainees may be held for up to 60 days without charge pending investigations. There is no bail in the military justice system. The law provides for access to an attorney and, if indigent, an attorney provided by the state, but these regulations were not always observed in practice. Detainees frequently were not informed of the charges against them until their trials, which generally occurred within days of arrests.

Arrests under the penal code occurred openly and with warrants issued by a public prosecutor or judge. A prosecutor must bring charges within 48 hours of arrest or release the suspect. Detainees sometimes were not informed promptly of the charges against them. Authorities may hold a suspect for a maximum of six months while they investigate the case. There was a functioning system of bail for persons detained under the penal code. Criminal defendants have the right to counsel promptly after arrest and access to family members at the court's discretion. The

court is obliged to provide a lawyer to indigent defendants. In practice, however, defendants often faced administrative obstacles and were unable to secure regular access to lawyers or family visits.

Arbitrary Arrest.—Arbitrary arrests occurred regularly during the year, frequently in the environs of large demonstrations. For example, on January 28, state security personnel arrested Google Middle East executive and political activist Wael Ghoneim, who in the summer of 2010 set up a Facebook page that activists used to coordinate demonstrations. Security personnel handcuffed and blindfolded him and held him incommunicado for 12 days before releasing him without charges. Ghoneim became an emblem of the revolution when he spoke publicly about his experience.

During demonstrations throughout the year, authorities sometimes detained and questioned local and international journalists covering demonstrations. For example, on February 6, soldiers detained, handcuffed, and questioned Al Jazeera English reporter Ayman Mohyeldin for nine hours.

Pretrial Detention.—Pretrial detention was a problem during the year. Pretrial detainees sometimes were held with convicted prisoners, and the Emergency Law and code of military justice allowed for extended periods of pretrial detention with no bail system and without systematic application of provisions requiring access to an attorney. Backlogs in the criminal courts were a problem before and after the revolution, also contributing to protracted periods of pretrial detention.

e. Denial of Fair Public Trial.—The 1971 constitution and the provisional constitution provide for an independent judiciary, but in practice both before and after the revolution the judiciary was subject to executive influence and corruption. Both documents provide for the independence and immunity of judges and forbid interference by other authorities in the exercise of their judicial functions. The government generally respected court orders in nonpolitical cases.

After the revolution military courts at first superseded and then operated in conjunction with civilian criminal courts. On September 10, the SCAF expanded the Emergency Law, and the Supreme State Security Court supplanted the military courts in cases not involving violations of the military code of justice. It operated in conjunction with the civilian criminal courts and was used to try ordinary crimes and security-related offenses.

Trial Procedures.—In all three court systems defendants legally are presumed innocent, although in practice military court procedures called this presumption of innocence into question. There are no juries. Civilian criminal trials usually are public, although observers must obtain government permission to attend. Military and state security courts are not open to the public. Defendants have the right to consult an attorney in civilian courts, and the government provides counsel if the defendant cannot afford a lawyer. Defendants in military courts have the right to consult an attorney but frequently were denied timely access to counsel and sometimes were denied access to counsel altogether. Defendants in the Supreme State Security Court also have the right to consult an attorney. In all three systems, the law allows defendants to question witnesses against them and to present witnesses and evidence on their own behalf, and it provides defendants and their attorneys the right to access government-held evidence.

In civilian and military courts, defendants have the right of appeal up to the Court of Cassation. Sentences by military courts are subject to certification by the president. All death sentences must be confirmed by the president and the Grand Mufti. Supreme State Security Court decisions are not subject to appeal; however, the president may alter or annul such decisions. The SCAF did not certify verdicts after the president resigned, but it annulled verdicts and issued pardons.

Lawyers and NGOs argued that military court trials did not meet basic standards of due process, as defendants were often tried in a matter of hours, often in groups, and sometimes without access to an attorney. On September 5, the SCAF announced that between January 28 and August 29, military courts tried 11,879 civilians, convicting 8,071, with 1,225 convictions awaiting ratification. On November 3, the SCAF pardoned 334 of those convicted. In one case, on March 2, a military court sentenced demonstrator Amr al-Beheiry to five years in prison following a trial that lasted less than five minutes, with no defense lawyer present, according to NGO reports. He remained in prison at year's end.

Political Prisoners and Detainees.—The Human Rights Association for the Assistance of Prisoners estimated that before the revolution, the government held as many as 4,000 persons in administrative detention without charge or trial under the Emergency Law. Most of those detained were allegedly members of Islamic extremist groups arrested in the 1990s. The government did not permit regular access to the detainees by international humanitarian organizations. After the revolution the

government claimed it released thousands of political detainees by year's end, including individuals arrested prior to and during the revolution (see section 1.d.). NGOs argued that hundreds of political prisoners remained incarcerated.

Civil Judicial Procedures and Remedies.—Individuals had access to civil courts for lawsuits relating to human rights violations and filed such lawsuits during the year. However, the courts were not entirely independent and displayed bias in some politically high-profile cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The 1971 constitution and the provisional constitution provide for the privacy of the home, correspondence, telephone calls, and other means of communication. However, the Emergency Law, which remained in place after the revolution, suspends the constitutional provisions regarding the right to privacy, and the government used it to limit these rights. Under the Emergency Law, the government is permitted to disregard constitutional protections of privacy of communications and personal residences. The Emergency Law empowers the government to place wiretaps, intercept mail, and search persons or places without warrants. Before and after the revolution, security agencies placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence, examined their bank records, searched their persons and their homes, and confiscated personal property. Security services also employed extensive informer systems.

On the evening of February 14, according to a human rights lawyer representing families of individuals killed during the revolution, security services personnel broke into his office. He was sleeping there and heard the building's doorman reveal the location of his office. When security forces attempted to enter, the lawyer confronted the men, who fled afterward saying they were looking for a different office.

On September 26, another human rights lawyer claimed that security services personnel broke into his office that day and searched his computer and paper files for incriminating tax information.

Before and after the revolution, there were reports of government agents threatening family members of activists, including threatening sexual assault of female relatives. On September 20, Mark Nabil, the brother of imprisoned blogger Maikel Nabil Sanad, alleged that police threatened him that day with imprisonment as a result of his public activism on behalf of his brother.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The 1971 constitution and the provisional constitution provide for freedom of speech and press. However, the government partially restricted these rights through harassment, censorship, and arrests and detentions, sometimes under the Emergency Law and in other instances under provisions of the penal code that prohibit incitement or discrimination.

Freedom of Speech.—Citizens generally expressed their views openly on a wide range of political and social topics, including the revolution and the resulting political transition. After the revolution citizens primarily faced harassment if they directly criticized the SCAF or military, and many reported self-censorship on this issue. Before and after the revolution, citizens vigorously criticized senior government officials and policies in the independent press, on satellite television, and on social media. On May 30, a military prosecutor summoned blogger and activist Hossam Hamalawy and television show host Reem Maged for questioning regarding critical statements that Hamalawy made on Maged's show on the subject of military police torturing detained activists. The prosecutor did not file formal charges against Hamalawy or Maged. On May 10, Cairo University referred 13 students for prosecution on charges of defamation after they organized sit-ins demanding the removal of the university president. A court suspended and subsequently dismissed these charges late in the year.

Freedom of Press.—The independent print and broadcast media were active and expressed a wide range of views on political and social issues, with the exception of direct criticism of the SCAF or the military. The penal code and the press and publications law govern press issues. After the revolution the government licensed many new independent television stations and newspapers. Most of the same state-owned media outlets continued to operate.

The government controlled the licensing, printing, and distribution of newspapers, including independent papers and those of opposition political parties. The constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties.

The government took some formal steps to censor satellite television stations. On September 7, the Ministry of Information directed the General Investment Authority (GIA), which issues satellite television broadcast licenses, to stop issuing licenses and announced that it would close unlicensed satellite television channels and take legal action against those that threatened national security. On October 4, the GIA advised domestic satellite television stations in writing that they must not criticize the SCAF.

On September 11, following coverage of the mob attack on the Israeli embassy, authorities forced Al Jazeera Live—which had broadcast in the country since February—off the air and detained one of the station's staff members for refusing to hand over documents. The authorities said that the company providing Al Jazeera Live's satellite uplink capability was not licensed. The head of the channel claimed the channel had requested authorization on March 20 and that the Ministry of Information assured that it could continue to operate until the ministry issued the license. On September 29, plainclothes police again raided Al Jazeera Live, confiscating a camera, a laptop computer, and other equipment. The station continued to broadcast at year's end.

Violence and Harassment.—The Committee to Protect Journalists reported two journalists killed while covering demonstrations during the year. During demonstrations throughout the year, security forces and civilian thugs physically attacked, harassed, detained, and intimidated international and local journalists. During major demonstrations celebrating the resignation of former president Mubarak on February 11, a group of men beat and sexually assaulted a female CBS News correspondent. On November 23, security forces allegedly detained an Egyptian-American journalist for 12 hours, blindfolded her, and sexually assaulted her. On December 17, according to Human Rights Watch, military forces beat Hassan Shahin, an editor with the independent Al Badil newspaper, after he came to the aid of a woman stripped, beaten, and stomped on by uniformed men. Shahin reported that the uniformed men then attacked him with clubs, fists, and boots, causing bruises and abrasions to the body and face. There were no investigations into these incidents.

Journalists also reported harassment outside of demonstrations. For example, on December 11, the media reported that television host Amr al-Leithi filed a complaint with the public prosecutor after he received death threats following reports on his show covering radicalism in the country.

Censorship or Content Restrictions.—The Emergency Law authorizes censorship for reasons of public safety and national security. In September the SCAF expanded the Emergency Law to include "intentionally spreading false information." The Ministry of Information monitored and censored the media during the year. At various times during the year the SCAF or the military banned reporting on specific topics. For example, on March 17, the military released a statement calling on all media not to publish "opinions, suggestions, or analysis" during the constitutional referendum. Domestic media also practiced self-censorship on issues such as the military and the intelligence service due to fear of government reprisal.

On September 24, the Ministry of Information halted the printing of independent daily newspaper Sawt Al Umma, reportedly due to either an article on alleged corruption within the General Intelligence Service or an article that violated a gag order imposed by the judge in the trial of former president Mubarak.

On September 27, the editor in chief of state-owned daily newspaper Rose El Yousef reported that "a sovereign body" (a reference to the General Intelligence Service) objected to an article in that day's issue. The entire edition was withdrawn from distribution.

Libel Laws/National Security.—Under the law an editor in chief can be considered criminally responsible for libel contained in any portion of a newspaper. According to Human Rights Watch (HRW), as of late November military prosecutors had summoned at least nine activists and journalists on charges of criminal defamation after they criticized, or discussed alleged abuses by, the military or SCAF. For example, on August 13, activist Asmaa Mahfouz received a summons to appear before the military prosecutor for questioning. The military prosecutor questioned her for more than three hours about her comments on Twitter and media interviews during protests on July 23 in which she criticized the military for failing to intervene to protect protesters. On August 16, the state news agency reported that the prosecutor decided to refer Mahfouz's case to court on charges of insulting the military. The SCAF pardoned Mahfouz on August 18.

Nongovernmental Impact.—Civilian thugs also attacked journalists and inhibited freedom of expression during the year. For example, on December 17, unidentified men entered the offices of independent outlets CBC and CBC+2, which were broad-

casting images of demonstrations and violence by security forces against demonstrators. According to witness accounts obtained by HRW, the men destroyed equipment and threatened the staff.

Internet Freedom.—Outside of a six-day period during late January, Internet communications were largely open and unrestricted, but the government monitored them. When protesters entered the NSS building after the revolution, many reportedly found copies of their own electronic communications and documents. Local service providers blocked access to Web sites if they contained material, such as child pornography, that is illegal under the law. The government blocked access to Twitter and Facebook beginning on January 25. On January 27, the government ordered local service providers to suspend Internet and cellular telephone services. The government restored all services and access to social networking sites on February 2. During the year the government prosecuted some bloggers and other individuals for the expression of their views online.

On October 22, a Cairo criminal court sentenced Ayman Yousef Mansour to three years in prison for insulting Islam and the Prophet Muhammed on a Facebook page he created. Responding to alleged citizen complaints, the Ministry of Interior's Department for Combating Electronic Crimes identified Mansour as the creator of the page. He remained in prison at year's end.

On December 14, a military court sentenced blogger Maikel Nabil Sanad to two years in prison after an appeal of his original three-year conviction for "insulting the military institution and distributing false news that disturbs public security," based on his documentation of human rights abuses and in part on his writing against forced conscription. He remained in prison at year's end.

Academic Freedom and Cultural Events.—Academic freedom increased after the revolution, with increased levels of discourse on subjects such as the role of religion in society, but self-censorship remained on the role of the military. Professors reported a decrease in self-censorship and published frank assessments of the country's political and socioeconomic issues. When the SCAF did not ratify a cabinet decision to remove all incumbent university heads appointed under Mubarak and to hold elections to replace them, faculty at universities across the country organized strikes beginning October 1, the first day of the academic year.

On May 18, Cairo University suspended nine students who called for the removal of the dean of the Faculty of Mass Communications.

The Ministry of Culture must approve all scripts and final productions of plays and films. It censored foreign films to be shown in theaters but generally did not censor the same films sold as DVDs. During the year domestic plays and films addressed political and socioeconomic issues in a critical manner and were shown without interference.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The 1971 constitution and the provisional constitution provide for freedom of assembly, but the government restricted this right. During major demonstrations between January 25 and February 11, security forces, plainclothes police, and civilian thugs killed approximately 850 persons, predominantly demonstrators. In several cases during this period, security forces failed to prevent attacks on peaceful demonstrators and clashes precipitated by "progovernment" civilians. The government attempted to thwart demonstrations by interfering with Internet and cellular communications from January 25 to February 2.

Throughout the remainder of the year, security forces allowed many large demonstrations to proceed without interference, although periodically military police and CSF forces forcibly ended demonstrations and sit-ins, often precipitating clashes with demonstrators. In most such events, security forces first used large amounts of tear gas to attempt to disperse demonstrators, accompanied by rubber-coated steel bullets and firing blank rounds into the air. Security forces also frequently punched and kicked demonstrators, threw stones, and beat them with batons. Some female demonstrators reported being sexually assaulted or raped. On some occasions protesters responded by throwing stones and Molotov cocktails. Doctors, human rights groups, and autopsy reports indicated that many fatalities among demonstrators in these instances were caused by gunshots fired by security forces, although the government blamed "outside elements" and insisted that security forces were not equipped with live ammunition. On March 23, the government approved a SCAF decree criminalizing strikes, protests, demonstrations, and sit-ins that disrupt private or state-owned businesses or impede the economy; however, the government rarely invoked this law when explaining its actions to disperse demonstrations or sit-ins.

On October 9, military police and thugs in plain clothes killed approximately 25 persons and wounded an estimated 330 during a demonstration by Coptic Christians in Cairo (see section 1.a.).

Following a large demonstration on November 18, security forces attempted to forcibly disperse a small number of demonstrators camping overnight in Tahrir Square. According to Ministry of Health statistics, security forces and thugs killed approximately 45 persons and wounded more than 2,000 in clashes that took place over the ensuing several days.

On December 16, security forces forcibly dispersed a sit-in at the cabinet building, leading to multiday clashes in which security forces and thugs killed 17 persons and injured more than 900.

Freedom of Association.—The 1971 constitution and the provisional constitution provide for freedom of association, but the government restricted this right. The government enforced a law passed by the Mubarak government requiring NGOs to register with the Ministry of Social Solidarity (MOSS) in order to receive foreign funding but refused to register some organizations and delayed registering others. The law provides the minister of social solidarity the authority to dissolve NGOs by decree.

On August 4, the Central Bank ordered banks operating in the country to inform it and the MOSS of any foreign transactions made by NGOs and charity groups and to ensure that the NGOs possessed valid MOSS licenses allowing them to receive funds from abroad.

On August 8, the Ministry of Justice began an investigation into NGOs accused of violating the law, and on September 27, Minister of Justice Mohamed Abdel Aziz Al Guindy ordered the formation of a committee to investigate bringing criminal charges against 39 unregistered NGOs for receiving foreign funding without a MOSS license.

In December investigating judges summoned and questioned domestic and international NGO representatives and presented at least two with charges of working for an unregistered or illegal organization and accepting foreign funding without government approval.

On December 29, officials representing the public prosecutor, accompanied by armed CSF personnel, raided the offices of at least seven local and international NGOs, temporarily detaining local and international staff; confiscating files, equipment, and cash; and sealing access to most of the offices. Upon arrival officials did not provide warrants, explain the reason for the search, or provide an inventory of the confiscated items (see section 5).

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, albeit with some notable exceptions, including the handling of refugees and asylum seekers. The government provided protection for some recognized refugees but did not cooperate fully with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to asylum seekers and other persons of concern.

In-Country Movement.—Citizens and foreigners may not travel in areas of the country designated as military zones.

Foreign Travel.—Men who have not completed compulsory military service may not travel abroad or emigrate. Completion of military service is indicated on national identification cards. Married Baha'i and their children faced difficulties obtaining national identification cards because the government does not recognize Baha'i marriages as legitimate. As a result some Baha'i men of draft age were unable to establish that they had fulfilled or were exempt from military service and therefore were unable to obtain passports. Police officials reportedly forced unmarried women younger than 21 to present their father's written permission to obtain a passport and to travel, although this is not required by law.

Exile.—The 1971 constitution and the provisional constitution prohibit forced exile, and the government did not use it during the year. A number of citizens living outside the country in self-imposed exile returned after the resignation of former president Mubarak.

Protection of Refugees.—Access to Asylum.—The 1971 constitution and the provisional constitution provide for the protection of political refugees, but the country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The UNHRC

has the authority to make refugee status determinations based on a 1954 memorandum of understanding with the government. However, the government frequently denied UNHRC representatives access to detention facilities. Detained refugees, asylum seekers, and migrants were subject to criminal penalties and administrative detention for unauthorized entry or residence. They were often held in jails, military camps, and regular prisons with convicted criminals (see section 1.c.).

Nonrefoulement.—In October authorities forcibly returned at least 10 Eritreans to Eritrea; 62 others returned voluntarily, although human rights advocates reported that many voluntary returns of Eritreans were in fact coerced since detained Eritreans were given only two options: volunteer to return to Eritrea or remain indefinitely in detention. The government provided few with access to the UNHRC and the option of seeking refugee status. The circumstances surrounding another return in October of approximately 115-120 Eritreans were not known, because they were denied access to appeal mechanisms and to the UNHRC for asylum protection.

Refugee Abuse.—Police shot and killed at least 13 migrants during the year to prevent them from entering Israel through the Sinai Peninsula. NGOs alleged that authorities held as many as 500 Africans in detention centers in Sinai at year's end. NGOs and victims reaching Israel alleged that Bedouin smugglers subjected migrants to extortion, long-term detention, rape, and torture, sometimes resulting in death. Smugglers demanded ransoms of up to LE 239,000 ($40,000) per person. Prison guards subjected African detainees to race-related beatings, and African refugees faced societal discrimination based on race.

Employment.—Most refugees were not granted legal authority to work in the country. Those seeking unauthorized employment faced challenges due to both lack of jobs and discrimination against sub-Saharan Africans. Refugees that found work generally took low-paying jobs, and employers often exploited them.

Access to Basic Services.—Refugees, in particular those from sub-Saharan African countries, continued to face limited access to education, health services, and housing. Refugees did not have a legal right to education, health, or other social services. The UNHRC provided the most vulnerable refugees with modest support for refugee education and health care through NGOs. Some schools enrolled children of refugees, but most did not, citing overcrowding and lack of resources. Government hospitals were required by law to provide free medical care to refugees, but many of the hospitals refused to provide care on the grounds that they did not have adequate resources.

Stateless Persons.—Citizenship is derived through a combination of the principles of birth within the country's territory and from one's parents. Stateless persons, who account for less than 1 percent of all registered refugees and asylum seekers (approximately 44,570 persons), frequently did not qualify for protection under the local refugee apparatus. Many stateless persons faced indefinite detention. There were approximately 70,000 Palestinians living in the country, an unknown number of whom were stateless, detained in prison, and not registered with the UNHRC.

Following an announcement in May by then interior minister Eissawy, the government began to grant citizenship to children born of citizen mothers and Palestinian fathers. At year's end more than 500 persons had been issued passports that enabled them to legally live and work in the country without being detained or deported.

Other stateless persons included the children of Eritrean fathers and Ethiopian mothers who lacked refugee status and were not considered citizens by either of their parents' countries. They received no monetary assistance, lacked the ability to work, and were isolated from other members of refugee communities.

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

There continued to be limitations on citizens' rights to change their government peacefully during the year. Major demonstrations between January 25 and February 11 forced a change of government on February 11. On February 13, the SCAF dissolved the parliament, suspended the 1971 constitution, and ruled as an executive authority not subject to electoral approval for the remainder of the year. On March 30, following a March 19 referendum on amendments to eight articles of the 1971 constitution, the SCAF issued a provisional constitution. The provisional constitution provides for citizens to elect the 508-seat People's Assembly every five years, with 10 of the seats filled by presidential appointment. The provisional constitution also provides for two-thirds of the 180-member Shura Council—the upper house of parliament—to be elected and one-third to be appointed by the president, every six years. Under the provisional constitution, citizens directly elect the president, who is limited to two four-year terms.

Elections and Political Participation.—Recent Elections.—On March 19, voters participated in a constitutional referendum to approve or reject eight amendments to the 1971 constitution. The process generally was considered fair, but there were scattered reports of voter intimidation.

Parliamentary elections began on November 28 and were expected to conclude in February 2012. On October 1, the SCAF announced that it would permit local and international NGOs to "witness" the elections under guidelines determined by the Higher Elections Commission. The SCAF's previous position as articulated on July 20 was that it would not allow international organizations to observe the elections, terming it an affront to national sovereignty. The segment of the electoral process completed by year's end generally was considered free from state interference, but local and international NGOs monitoring the elections noted administrative issues including delays in opening polling stations and inadequate supplies of indelible ink, ballot boxes, and ballots. There were also reports that some parties violated electoral regulations stipulating that no campaigning could occur within 48 hours of the elections or in close proximity to polling stations. In addition, during the electoral period (although not targeting election participants or locations), security forces used excessive force to disperse demonstrations, the government censored and harassed media outlets, and Ministry of Justice investigators raided the offices of NGOs involved in electoral monitoring and administration activities.

Political Parties.—The freedom to form, legally register, and operate political parties improved significantly during the year. Before the revolution the law stipulated that party "principles, targets, programs, policies, or means of practicing activities" had to conform to national security and other requirements (as interpreted by the government). On March 28, the SCAF passed a new law that eased most restrictions on the legal establishment of new political parties. However, the law prohibits parties formed on the basis of religion, class, sect, profession, geography, language, or gender, and new parties are required to have a minimum of 5,000 members from at least 10 provinces. Previously, new parties were required to have 1,000 members.

Authorities rejected one party application during the year, from the reportedly Shia-oriented Tahrir Party, on the grounds that the party was based on religious principles. The committee asked several parties to provide further documentation to ensure they were in compliance with the law. Some parties, such as Al-Wasat, had unsuccessfully sought to register for more than a decade under the previous government. Approximately 40 new parties successfully registered after the revolution.

On April 16, an administrative court dissolved the former ruling National Democratic Party and transferred its assets to the state.

Participation of Women and Minorities.—Religious and cultural barriers strongly inhibited women's political participation and leadership. The SCAF and political parties, among other groups, excluded women from the political process during the year. On July 21, the SCAF announced that it abolished the quota established in 2009 that reserved 64 People's Assembly seats for women. In late September the SCAF amended the election law to require at least one female candidate on each party list competing in the legislative elections.

Media and NGO observer groups reported high voter turnout among women and Coptic Christians for the first two rounds of parliamentary elections that took place in November and December. Since the elections continued at year's end, it was unclear how many women or minorities would serve in parliament. At year's end the cabinet included one woman and two Coptic Christians. There were no women or members of religious minorities serving on the SCAF; women were excluded from military service, and non-Muslims were generally selected for retirement before reaching senior active-duty ranks. No women or members of religious minorities were among the appointed governors of the country's 27 governorates.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not consistently and effectively implement the law, and impunity was a problem. The Central Agency for Auditing and Accounting is the government's anticorruption body and submits biennial reports to the People's Assembly that are not available to the public. The auditing and accounting agency stations monitors at state-owned companies to report corrupt practices. Observers did not judge the agency to be effective.

On September 26, the Administrative Audit Apparatus announced that 65,855 cases of official corruption from the last several years were pending. Investigations had begun in 39,545 cases.

Authorities brought many corruption cases against former senior government and National Democratic Party officials during the year. The Supreme Court trial of former president Mubarak and his sons, Alaa and Gamal Mubarak, began on Au-

gust 1. The three were charged with corruption involving a land deal and the illegal sale of underpriced natural gas to Israel. The trial continued at year's end.

On September 18, a court sentenced former minister of tourism Zoheir Garana to three years in prison for violating government decrees and granting illegal licenses to tourism companies.

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

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

Government restrictions on local and international NGO activities, including raiding of some NGO offices, confiscating supplies equipment and money, and interference with domestic organizations' ability to accept foreign funding, continued to limit the ability of NGOs to carry out their work (see section 2.b.).

There were many well-established, independent, domestic human rights NGOs operating in the country, including the Egyptian Organization for Human Rights, Human Rights Association for the Assistance of Prisoners, Arab Penal Reform Organization, Association for Human Rights and Legal Aid, Cairo Institute for Human Rights Studies, Egyptian Initiative for Personal Rights, Ibn Khaldun Center, Arab Center for the Independence of the Judiciary and the Legal Profession, Arab Network for Human Rights Information, Nadim Center for the Rehabilitation of Victims of Torture and Violence, Association for Freedom of Thought and Expression, and Egyptian Center for Women's Rights. Internet activists and bloggers continued to play a significant role in publicizing information about human rights abuses. Unregistered organizations generally were allowed to operate, but they did so in violation of the law and faced harassment along with the prospect of government interference or closure.

The government exhibited an inconsistent approach to cooperating with human rights NGOs that generally hardened over the course of the year. Security services periodically harassed them but until near the end of the year generally did not interfere with their activities. Government officials, including members of the SCAF, were selectively cooperative and responsive to some NGOs' views. Immediately after the revolution, the government consulted with human rights organizations and attorneys, but NGOs reported that this cooperation became less frequent and more perfunctory as the year progressed. At year's end there were reports that the government was investigating hundreds of NGOs for conducting programs and receiving foreign funding without government approval. NGOs asserted that the government's process for approving programs they sought to implement was intentionally protracted and often resulted in arbitrary refusals to allow organizations to conduct some programs, often on subjects the government deemed "political," such as the performance of security forces.

Until raids on the offices of five international NGOs on December 29, the government generally allowed international human rights NGOs to operate. Human Rights Watch maintained an office in Cairo. Other organizations, such as Amnesty International, made periodic visits as part of their regional research program and were able to work with domestic human rights groups. The Higher Elections Commission worked closely with the International Foundation for Electoral Systems to prepare for the elections. The government continued to categorize the registration of the National Democratic Institute and the International Republican Institute as "pending" but allowed them to provide technical assistance in support of political and civil rights. The government also granted them permission and badges to monitor parliamentary elections.

U.N. and Other International Bodies.—The government cooperated with the U.N. Development Program (UNDP) and permitted visits by representatives examining ways to help youth in poverty. The government was less open to UNDP election assistance, limiting its role to providing technical support and training monitors. The Ministry of Interior cooperated with the U.N. Office on Drugs and Crime (UNODC) in identifying 10 greater Cairo communities for a pilot community policing program. It received but did not respond to UNODC proposals on prison reform, modernization of the criminal justice system, and enhancement of police oversight and accountability.

Government Human Rights Bodies.—The NCHR monitored government abuses of human rights and submitted citizen complaints to the government. It gained credibility after the revolution by operating independently of the suspended Shura Council, to which it formally is attached, and replacing its government-appointed board of directors with prominent human rights activists and attorneys. However, it strug-

gled with logistical challenges throughout the year. Its offices were damaged twice by demonstrations targeting other nearby facilities. The NCHR issued a fact-finding report detailing the government's failure to prevent and respond adequately to the September 9 attack on the Israeli embassy, and it also issued a fact-finding report on the events of October 9, when security forces violently dispersed a demonstration in Cairo by primarily Coptic Christians.

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

The provisional constitution prohibits discrimination against citizens on the basis of race, origin, language, religion, creed, disability, or social status. Equality of the sexes was included in the 1971 constitution but not in the provisional constitution. Many aspects of the law discriminate against women and religious minorities, and the government did not effectively enforce prohibitions against such discrimination. On October 16, the SCAF issued a decree making it a crime under the penal code to discriminate on the basis of gender, origin, religion, language, religion, or creed.

Women.—Rape and Domestic Violence.—The law prohibits rape, prescribing penalties of 15 to 25 years' imprisonment or life imprisonment for cases involving armed abduction. The government did not effectively enforce the law. Police and fear of societal reprisal actively discouraged women from coming to police stations to report crimes, resulting in a very small number of cases being investigated or effectively prosecuted. Spousal rape is not illegal. According to the Ministry of Interior, approximately 20,000 cases of rape were reported each year.

Domestic violence continued to be a significant problem. An academic survey conducted on a random sample of 1,503 households in Minya, Sohag, Cairo, and Alexandria found that 81 percent of men believed they have the right to beat their wives and daughters. The law does not prohibit domestic violence or spousal abuse, but provisions relating to assault may be applied with accompanying penalties. However, the law requires that an assault victim produce multiple eyewitnesses, a difficult condition for domestic abuse victims, making prosecutions extremely rare.

Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence.

Harmful Traditional Practices.—The law does not specifically address honor crimes. There were no reliable statistics regarding the incidence of honor crimes, but observers said such killings occurred during the year, particularly in rural areas. According to a report by the Women News Network on September 27, some women felt forced to terminate their pregnancy to avoid becoming an honor-crime victim.

Sexual Harassment.—Sexual harassment remained a serious problem. There is no specific law criminalizing sexual harassment, but the government occasionally prosecuted sexual harassment under existing law. NGOs stated that sexual harassment was used as a tool of political repression by government and civilian actors and that women often felt unsafe peacefully protesting without male protection (see section 2.b.). Harassmap.org, a domestic nonprofit initiative launched in 2010, enabled women to report where and how they had been harassed so that other women could avoid those areas.

Sex Tourism.—Sex tourism existed in Cairo, Alexandria, Luxor, and at resort areas such as Sharm El-Sheikh and Hurghada. Most sex tourists came from the Persian Gulf region.

Reproductive Rights.—The government did not restrict citizens' family-planning decisions, although men and women did not always have the information and means to make decisions free from discrimination, coercion, and violence. Social, cultural, and religious barriers restricted individuals' rights to make reproductive decisions. The Ministry of Family and Population was dissolved in February and became part of the Ministry of Health. The Ministry of Health distributed contraception and provided personnel to attend births, postpartum care to mothers and children, and treatment for sexually transmitted diseases at no cost. According to U.N. estimates, 79 percent of births were attended by skilled health personnel and 58 percent of women ages 15-49 used a modern method of contraception. NGOs reported that government family planning information and services were not adequate to meet the needs of the entire population, particularly outside of large urban areas. For example, NGOs expressed concern over lack of access to reproductive information and services for adolescent girls in rural areas.

Discrimination.—NGOs reported an increasingly challenging environment for women during the year. The National Council for Women was inactive, and the Suzanne Mubarak Center disbanded following the revolution. On September 11, a representative of the Association of Egyptian Female Lawyers said, "There is no women's agenda now," adding, "Women take no part in decisions of national importance."

Aspects of the law and traditional practices continued to discriminate against women. Laws affecting marriage and personal status generally corresponded to an individual's religion. For example, a female Muslim citizen may not marry a non-Muslim man without risking arrest and conviction for apostasy; under the government's interpretation of Sharia, any children from such a marriage could be placed in the custody of a male Muslim guardian. "Khula" divorce allows a Muslim woman to obtain a divorce without her husband's consent, provided she is willing to forego all her financial rights, including alimony, dowry, and other benefits. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion. A Muslim female heir receives half the amount of a male heir's inheritance, and Christian widows of Muslims have no inheritance rights. A sole Muslim female heir receives half her parents' estate, with the balance going to the siblings of the parents or to the children of the siblings if the siblings are deceased. A sole male heir—because he is expected to provide for his female relatives—inherits his parents' entire estate. A woman's testimony is equal to that of a man in courts dealing with all matters except for personal status, such as marriage and divorce, where an adult male relative or representative often will testify on a woman's behalf. In marriage and divorce cases, a woman's testimony must be judged credible to be admissible. Usually this is accomplished by having her convey her testimony through an adult male relative or representative. A man's testimony is assumed credible unless proven otherwise.

The law made it difficult for women to access formal credit. While women were allowed to own property, social and religious barriers strongly discouraged women's ownership of land.

Women faced extensive discrimination in the labor force. Labor laws provided for equal rates of pay for equal work for men and women in the public sector, although pay was not always equal in practice. NGOs reported that working women earned approximately 77 percent less than men. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence and other traditional and cultural attitudes and practices inhibited further gains. Women were excluded from high-level positions in large sectors of the economy controlled by the military, since women did not serve in the military and thus were not given access to these jobs. The government reported in May that women were five times more likely to be unemployed than men. More than half of female university graduates were unemployed. The Ministry of Social Solidarity operated more than 150 family counseling bureaus nationwide to provide legal and medical services to unemployed women who are unmarried or do not reside with their husband or family.

Children.—Birth Registration.—Citizenship is derived through a combination of the principles of birth within the country's territory and from one's parents. The government attempted to register all births but faced resistance from citizens in remote and tribal areas, such as the Sinai. The government cooperated with NGOs in addressing this problem. In some cases failure to register resulted in denial of public services, particularly in urban areas where most services required presentation of a national identification card.

Education.—Education is compulsory, free, and universal until the ninth grade. The law provides this benefit to stateless persons and refugees, but in practice they were often excluded from public education.

Child Abuse.—An academic survey conducted on a random sample of 1,503 households in Minya, Sohag, Cairo, and Alexandria found that 50 percent of women reported having been physically abused at a young age, with 93 percent of them suffering abuse from their parents. The survey also found that 81 percent of men believed they have the right to beat their daughters. After the revolution there were no effective government institutions dedicated to addressing these subjects.

Female Genital Mutilation (FGM).—FGM is illegal, but it remained a problem. The law criminalizes FGM, except in cases of medical necessity, with penalties of three months to two years in prison or a fine of approximately LE 5,000 ($829). Enforcement generally declined during the year because some organizations working on the issue were no longer active after the revolution. On September 28, two girls in Fayoum were hospitalized after experiencing massive blood loss following FGM procedures performed on them by a traditional birth attendant (daya). According to the most recent government statistics, the government received approximately 5,000 reports of FGM cases from citizens between 2005 and 2009. In 2008 the minister of population and families stated publicly that FGM rates in Upper Egypt were 65 percent but did not exceed 9 percent in northern governorates.

Child Marriage.—The legal age of marriage is 18. According to UNICEF, 17 percent of children were or had been married. As a result of postrevolution economic

hardships, the incidence of child marriage increased slightly. Enforcement declined slightly due to a general decline in law enforcement capacity after the revolution. The media reported that some child marriages were temporary marriages intended to mask prostitution. Victims sometimes were encouraged by their families to marry wealthy men from the Persian Gulf region in what are known locally as transactional or "summer" marriages.

Sexual Exploitation of Children.—The law provides specific penalties for commercial sexual exploitation of children and child pornography. The minimum age of consensual sex is 18. According to NGO and media reports, the number of street children in Cairo increased after the January revolution, and these children were at risk of being sexually exploited.

Displaced Children.—According to the National Center for Social and Criminological Studies, there were three million street children across the country. The Ministry of Social Solidarity offered shelters for street children, but many chose not to seek refuge in them because they closed at night, forcing the children back onto the streets. Religious institutions and NGOs like the Nour al-Hayat Child Welfare Association provided services for street children, including meals, clothing, and literacy classes. The Ministry of Health offered mobile health clinics staffed by nurses and social workers.

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

Anti-Semitism.—Anti-Israel sentiment was widespread. In the state-owned and private media, it sometimes included anti-Semitic rhetoric and Holocaust denial or glorification. Editorial cartoons and articles depicting demonic images of Jews and Israeli leaders, stereotypical images of Jews along with Jewish symbols, and comparisons of Israeli leaders with Hitler and the Nazis were published throughout the year, particularly after the August 18 deaths of five Egyptian soldiers in Sinai during an Israeli operation against terrorist attackers. The SCAF advised journalists and cartoonists to avoid anti-Semitism but claimed that some inflammatory statements in the media were a "legitimate" reaction to alleged Israeli efforts to destabilize Egypt as well as to Israeli government actions against Palestinians. There were reports of imams using anti-Semitic rhetoric in their sermons. There were no reports of anti-Semitic violence directed toward Jews living in Egypt.

The Israeli embassy was the scene of several demonstrations featuring anti-Semitic slogans. A wall erected around it by the government in early September was quickly covered in anti-Semitic graffiti, including swastikas.

In September squatters occupied part of Cairo's 800-year-old Bassatine Jewish cemetery and destroyed some headstones and monuments. The government evicted them after complaints.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law provides that all businesses must designate 5 percent of their positions for persons with physical or mental disabilities, but activist groups reported that this provision was not enforced. There are no laws prohibiting discrimination against persons with disabilities in education, access to health care, or the provision of other state services, nor are there laws mandating access to buildings or transportation. Widespread societal discrimination continued against persons with disabilities, particularly mental disabilities, resulting in a lack of acceptance into mainstream society. Government-operated treatment centers for persons with disabilities, especially children, were poor.

On March 3, approximately 200 persons with disabilities protested in Cairo, calling for better protection of their rights. On October 31, 12 persons with disabilities threatened to set themselves on fire near the cabinet building in order to draw attention to the lack of employment opportunities available to them.

The Ministries of Education and Social Solidarity shared responsibility for protecting the rights of persons with disabilities. There was a Supreme Council for Disabilities within the Ministry of Social Solidarity, but activists reported it was inactive. Persons with disabilities rode government-owned mass transit buses free of charge and received special subsidies to purchase household products, wheelchairs, and prosthetic devices. Persons with disabilities also received expeditious approval for the installation of new telephone lines and received reductions on customs duties for specially equipped private vehicles. The government also worked closely with

U.N. agencies and other international aid donors to design job-training programs for persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law does not explicitly criminalize consensual same-sex sexual activity, but it allows police to arrest lesbian, gay, bisexual, and transgender (LGBT) persons on charges of "debauchery." Gay men and lesbians faced significant social stigma in society and in the workplace, impeding their ability to organize or publicly advocate on behalf of the LGBT community.

Other Societal Violence or Discrimination.—HIV-positive individuals faced significant social stigma in society and the workplace. The National AIDS Program in the Ministry of Health conducted public awareness campaigns to educate people on HIV prevention and transmission.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution provides for the right to freedom of association, although the legal status of independent labor remained unsettled. The Mubarak-era Trade Union Act of 1976 remains on the books but is neither legally recognized nor actively applied by the government. The Ministry of Manpower and Migration issued a decree on March 12 recognizing complete freedom of association and stating that the Trade Union Act is illegal because it conflicts with the country's International Labor Organization (ILO) commitments.

Some employers claimed the Trade Union Act still applied despite the ministerial decree. It placed significant restrictions on the right to organize (including a requirement that all unions affiliate with the government-dominated Egyptian Trade Union Federation—ETUF), legal strikes, and collective bargaining.

The Unified Labor Law of 2003 (the labor code) permits peaceful strikes but imposes significant restrictions, including prior approval by a general trade union affiliated with the ETUF. The labor code also does not extend protections to domestic servants or some agricultural laborers. In addition, on March 23, the SCAF approved a cabinet decree criminalizing strikes, protests, demonstrations, and sit-ins that disrupt private or state-owned businesses or impede the economy.

The law provides for collective bargaining but imposes significant restrictions. The scope of collective bargaining is substantially limited by the fact that the government sets wages and benefits for all public sector and government employees. The Ministry of Manpower and Migration also legally oversees and monitors collective negotiations and agreements in the private sector.

Although the Trade Union Act remains formally in place, on March 12, the Minister of Manpower and Migration issued a declaration recognizing complete freedom of association. The minister held that the country's ratification of ILO and U.N. Human Rights Council conventions superseded existing domestic laws that limited freedom of association. According to the decree, unions were no longer required to join one of the 23 officially recognized industrial federations that were part of ETUF.

In practice workers' ability to exercise freedom of association and the right to collective bargaining improved over previous years. Following the March 12 declaration, the Ministry of Manpower and Migration removed most administrative and practical restrictions placed on worker organizations under the former regime.

As of October 23, according to the ministry, 211 new trade unions had registered without interference. NGOs reported that hundreds more worker organizations formed but had not sought to register by year's end. On January 30, the Egyptian Federation of Independent Trade Unions (EFITU) declared itself the country's first independent labor federation. A second independent federation, the Egyptian Democratic Labor Congress, was launched in October. The two independent federations each represented hundreds of thousands of workers by year's end.

While new worker organizations were generally independent of government and political parties, ETUF, previously the country's only trade union federation, was not. The government halted direct financial support for ETUF by midyear but continued to permit ETUF to automatically deduct dues from workers' salaries. However, it remained difficult or impossible for workers to disassociate themselves from the formerly state-affiliated ETUF unions, which continued to control worker certifications and retirement and social security funds for as many as five million workers.

On August 4, the cabinet approved a recommendation by the Manpower Ministry to dissolve the board of ETUF. The minister designated a provisional board to serve until general elections, initially scheduled for late 2011 but then delayed by the government until summer 2012. However, in December the old ETUF board and the

heads of ETUF's subsidiary unions unilaterally decided to extend their own mandates and governance of ETUF, effectively sidelining the caretaker board.

Beginning in late January and continuing throughout the year, the country witnessed the highest number of worker strikes and other worker actions in its modern history. Thousands of worker actions (strikes, protests, sit-ins) took place, the majority in the government and public sectors. The government invoked the March 23 antistrike decree to end strikes and arrest labor organizers in the petroleum, maritime, postal service, and other sectors. NGOs claimed that hired thugs and security forces dispersed some strikes.

There were NGO and media reports that employers practiced antiunion discrimination, particularly against organizers of new independent unions, and that enforcement efforts were ineffective. Government enforcement of violations was minimal in part because of a confusing legal environment: the March 12 declaration recognized freedom of association and stated that the Trade Union Act is illegal; however, the previous law remained on the books, and ETUF and some employers still treated it as applicable. Some employers asserted they were not legally obligated to recognize new unions as the March decree on freedom of association was not codified into law.

Labor organizers remained subject to harassment, arrest, and arbitrary dismissal. A number of striking workers were tried in military courts, following a broad pattern that applied to other "crimes" following the revolution, where they received prison sentences and fines. Unidentified armed men kidnapped a leading organizer of doctors' strikes and held him for three days in October during doctors' syndicate elections for which he was a candidate. The kidnappers questioned him extensively about efforts to organize strikes and protests before releasing him unharmed. The EFITU and labor NGOs reported cases of worker organizers being fired from their jobs for starting new unions. Reinstatements for workers fired for union activity were uncommon.

In practice the requirement for tripartite negotiations seldom was followed, and workers negotiated directly with employers. When the government did become involved, it most often was for dispute resolution rather than for genuine collective bargaining. The Manpower Ministry reported receiving 4,460 individual and group complaints from workers during the year, and it claimed it assisted in resolving 94 group disputes through collective negotiations between workers and management.

b. Prohibition of Forced or Compulsory Labor.—The 1971 constitution, the provisional constitution, and the law prohibit forced or compulsory labor. Reports of forced labor were relatively rare and tended to involve migrant workers and children. There were reports of cases of foreign female workers in domestic service held in conditions of forced labor.

See also the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The Child Law sets the minimum age for regular employment at 15, and at age 12 for seasonal employment. The labor code bars children under age 18 from 44 specific hazardous occupations, while the Child Law prohibits employment of children (all under 18) from any work that "puts the health, safety, or morals of the child into danger." Provincial governors, with the approval of the minister of education, may authorize seasonal work (often agricultural) for children who are 12 or older, provided that duties are not hazardous and do not interfere with schooling. The labor code and Child Law limit working children's hours and mandate breaks. However, the labor code explicitly excludes domestic work, work in family businesses, and children working in agriculture from minimum age and other restrictions.

The Ministry of Manpower and Migration, in coordination with the National Council for Childhood and Motherhood (NCCM) and the Ministry of Interior, enforced child labor laws in state-owned enterprises and private sector establishments through inspections and supervision of factory management. The government did not inspect for child labor in noncommercial farms, and there were no monitoring or enforcement mechanisms for children in domestic service. The government did not effectively enforce child labor laws in the informal sector, and child labor in the informal sector remained prevalent. As a result of limited and inconsistent funding for training and enforcement, labor inspectors generally operated without specific training on child labor issues and performed these inspections as part of their other duties. Training programs varied in quality by governorate. When offenders were prosecuted, the fines imposed were often as low as LE 500 ($83) and thus had questionable deterrent effect.

During the year the Manpower Ministry institutionalized a child labor monitoring system database at the national level, and provided training for both the technology

support staff and the child labor unit staff. In July the government estimated that 1.6 million children, just under 10 percent of the total population of children, were engaged in labor. The majority of child labor occurred in agriculture and domestic work, although children also worked in light industry, on construction sites, and in service businesses such as auto repair shops. According to government, NGO, and media reports, the number of street children in Cairo increased after the revolution; such children were at greater risk of sexual exploitation or forced begging. In some cases employers abused, overworked, and generally endangered working children.

The government continued to implement a number of social, educational, and poverty reduction programs to reduce children's vulnerability to exploitive labor. The NCCM sought to provide working children with social security safeguards and to reduce school dropout rates by providing families with alternative sources of income.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The National Council of Wages established an LE 700 ($120) monthly minimum wage for public sector workers. At least initially, the minimum wage applied only to direct government employees and used existing benefits and bonuses to calculate the total salary. Most government workers, therefore, already earned a total above the minimum wage. The government initiated a 15 percent wage hike designed to lift those below the threshold above the LE 700 level.

According to Central Agency for Public Mobilization and Statistics figures, from July 2010 to June 2011, the poverty line was LE 256 ($41) per person, per month. The agency defined "extreme poverty" as less than LE 171.50 ($28) per month.

Although the wage council determined working hours for government and public sector employees, there were no standards for the private sector. The law stipulates that the maximum workweek is 48 hours. The law provides for premium pay for overtime and work on rest days and national holidays. Most private sector employees worked five days per week, usually Sunday through Thursday.

The law prohibits excessive compulsory overtime, but the government enforced these prohibitions only in the public sector, and it did so selectively.

The Ministry of Manpower and Migration sets and enforces worker health and safety standards; however, enforcement and inspections were uneven. The law prohibits employers from maintaining hazardous working conditions, and workers have the right to remove themselves from hazardous conditions without risking loss of employment. Agricultural and fisheries workers were not covered by working conditions standards, and there was no attempt to apply these standards to the informal sector.

Many private and informal sector workers throughout the country, including in special economic zones, faced poor working conditions. Domestic workers were not covered by labor laws, making them vulnerable to abuse and forced labor. There were reports of employer abuse of citizen and undocumented foreign workers, especially domestic workers.

IRAN

EXECUTIVE SUMMARY

The Islamic Republic of Iran[1] is a constitutional, theocratic republic in which Shia Muslim clergy and political leaders vetted by the clergy dominate the key power structures. Government legitimacy is based on the twin pillars of popular sovereignty—albeit restricted—and the rule of the supreme leader of the Islamic Revolution. The current supreme leader, Ayatollah Ali Khamenei, was chosen by a directly elected body of religious leaders, the Assembly of Experts, in 1989. Khamenei's writ dominates the legislative, executive, and judicial branches of government. He directly controls the armed forces and indirectly controls internal security forces, the judiciary, and other key institutions. The legislative branch is the popularly elected 290-seat Islamic Consultative Assembly, or Majlis. The unelected 12-member Guardian Council reviews all legislation the Majlis passes to ensure adherence to Islamic and constitutional principles; it also screens presidential and Majlis candidates for eligibility. Mahmoud Ahmadinejad was reelected president in June 2009 in a multiparty election that was generally considered neither free nor

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

fair. There were numerous instances in which elements of the security forces acted independently of civilian control.

Demonstrations by opposition groups, university students, and others increased during the first few months of the year, inspired in part by events of the Arab Spring. In February hundreds of protesters throughout the country staged rallies to show solidarity with protesters in Tunisia and Egypt. The government responded harshly to protesters and critics, arresting, torturing, and prosecuting them for their dissent. As part of its crackdown, the government increased its oppression of media and the arts, arresting and imprisoning dozens of journalists, bloggers, poets, actors, filmmakers, and artists throughout the year. The government's suppression and intimidation of voices of opposition continued at a rapid pace at year's end.

The most egregious human rights problems were the government's severe limitations on citizens' right to peacefully change their government through free and fair elections, restrictions on civil liberties, and disregard for the sanctity of life through the government's use of arbitrary detention, torture, and deprivation of life without due process. The government severely restricted freedoms of speech and the press (including via the Internet), assembly, association, movement, and religion. The government committed extrajudicial killings and executed persons for criminal convictions as juveniles, on minor offenses, and after unfair trials, sometimes in public or group executions. Security forces under the government's control committed acts of politically motivated violence and repression, including torture, beatings, and rape. The government administered severe officially sanctioned punishments, including amputation and flogging. Security forces arbitrarily arrested and detained individuals, often holding them incommunicado.

Other human rights abuses included acts of violence by vigilante groups with ties to the government, such as the Basij militia. Prison conditions remained poor, and several prisoners died during the year as a result. There were few examples of judicial independence or fair public trials. Authorities held numerous political prisoners and continued to crack down on women's rights activists, ethnic minority rights activists, student activists, religious minorities, and environmental activists. The government severely restricted the right to privacy. Authorities denied admission to or expelled hundreds of university students whose views were deemed unacceptable by the regime; professors faced expulsion on similar grounds. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, children, ethnic and religious minorities, and lesbian, gay, bisexual, and transgender (LGBT) persons were extant. Incitement to anti-Semitism and trafficking in persons remained problems. The government severely restricted workers' rights and arrested numerous union leaders as the number of protests increased during the year. Child labor remained a serious problem.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the government and its agents committed multiple acts of arbitrary or unlawful killings, including those caused by torture, denial of medical treatment, and beatings (see also section 1.e., Political Prisoners and Detainees). The government made only limited attempts to investigate cases, if at all. There were several extrajudicial killings by government Basij forces surrounding the February protests in support of the Arab Spring uprisings. Basij forces reportedly killed protesters during rallies and while pursuing protesters after they had dispersed.

On February 14, security forces killed two university students, Saneh Jaleh and Mohammad Mokhtari, during a rally in Tehran to demonstrate solidarity with antigovernment protesters in Tunisia and Egypt. According to press reports, both were shot by men on motorcycles, which friends indicated was a hallmark of the Basij. Progovernment news sources contended that Jaleh and Mokhtari were both members of the Basij and were killed by the terrorist group Mujahedin-e Khalq (MEK). Friends and relatives of Jaleh and Mokhtari denied the accusations.

On March 15, Basij forces in Tehran shot and killed university student Behnoud Ramezani. According to news reports and nongovernmental organizations (NGOs), two initial forensic reports described the cause of death as "multiple blows to the head by a hard object." The final cause of death was announced as a result of the "explosion of a hand grenade." An eyewitness who provided his account to the opposition news site Daneshjoo stated that Basij forces hit Ramezani with an "electric shocker." The witness reported that Ramezani's neck and hand were broken and his right thigh was crushed.

On August 25, the opposition Web site Roozonline published an interview with Behrang Soudbakhsh, the son of Abdolreza Soudbakhsh, a doctor killed in 2009 after examining rape victims at Kahrizak Prison. This was the first time that the family came forward about the killing due to fear of reprisals from authorities. Ac-

cording to the son, the elder Soudbakhsh was under pressure to remain silent about those who died under torture and was shot by men on a motorcycle as he left his office. The son stated that authorities told his father to report that the victims of Kahrizak had meningitis, even though he had concluded they died as a result of torture. Behrang claimed his father was planning to leave the country the night of his death and suggested he was killed to prevent him from revealing more information. The elder Soudbakhsh had given an interview to Deutsche Welle's Persian network a few weeks before his death in which he mentioned the rapes. At the time of his death, officials denied Soudbakhsh's killing had anything to do with his knowledge of events at Kahrizak.

There were developments in one case from a previous year. On February 6, according to the online legal news site The Jurist, the government executed two unidentified men convicted of torturing and killing three university students and protesters—Amir Javadifar, Mohammed Kamrani, and Mohsen Rouhalamini—at Kahrizak Prison in 2009. A criminal case against former Tehran prosecutor general Saeed Mortazavi for his involvement was reportedly continuing at year's end, although Mortazavi announced on July 18 that he had effectively been acquitted of all charges, explaining that the Civil Servants Court had decided not to prosecute him. Legal claims filed against Mortazavi by the families of those killed also remained pending. During the year Mortazavi continued to serve as the head of the governmental antismuggling task force.

According to the Iran Human Rights Documentation Center (IHRDC), the government executed 659 persons during the year, many after trials that were conducted in secret or did not adhere to basic principles of due process. Some observers noted a figure as low as 277, while other credible NGOs reported the number of executions, including those conducted in secret, was more than 700. The U.N. special rapporteur for human rights in Iran noted in his October report that at least 83 persons, including three political prisoners, were known to have been executed in January alone. Human rights activists reported that the government executed an average of two persons a day during the first six months of the year. Authorities did not release statistics on the implementation of death sentences, the names of those executed, or the crimes for which they were found guilty. Exiles and human rights monitors alleged that many persons supposedly executed for criminal offenses such as narcotics trafficking were actually political dissidents. Executions for drug convictions constituted the majority of capital punishment cases in the country. The law criminalizes dissent and also applies the death penalty to offenses such as "attempts against the security of the state," "outrage against high-ranking officials," "enmity towards god" (moharebeh), and "insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic."

While the law does not explicitly stipulate the death penalty for the offense of apostasy, courts have administered such punishment based on their interpretation of religious fatwas. In September 2010 a lower court convicted Christian pastor Youcef Nadarkhani of "apostasy" and issued a death sentence. The case was under Supreme Court review at year's end. According to Philip Alston, the U.N. special rapporteur on extrajudicial, summary, or arbitrary executions, moharebeh is "imposed for a wide range of crimes, often fairly ill defined and generally having some sort of political nature." The October report of the U.N. secretary-general on the human rights situation in the country stated that more than 20 persons charged with moharebeh were executed during the year. In a June 22 interview with the semiofficial Iranian Student News Agency (ISNA), Mashad prosecutor Mahmoud Zoghi confirmed the "high number of unannounced executions" carried out in Vakilabad between March and May.

On January 24, the government executed Kurdish political prisoners Jafar Kazemi, an editor and publisher of academic books at Amir Kabir University and 2009 election protester, and Mohammad Ali Haj Aghaie, also an election protester, after they reportedly refused to give televised confessions on January 17 in Evin Prison. The two were convicted of moharebeh for participating in the 2009 protests as well as chanting slogans and distributing banners for the MEK. Authorities reportedly did not inform Kazemi's wife or lawyer prior to the execution. Authorities reportedly tortured the prisoners physically and psychologically. Their interrogators allegedly threatened to arrest his wife and children if they did not confess. According to their lawyer, the government failed to provide access to the case files during the trial. Aghaie was a long-standing political activist who had been previously convicted for his participation in the 1980s government opposition.

On January 29, authorities executed Zahra Bahrami, an Iranian-Dutch citizen. Bahrami was hanged on reportedly trumped-up charges of drug smuggling after being arrested during the 2009 Ashura protests. Bahrami was also charged with moharebeh, "acting against national security," and "propaganda against the estab-

lishment," but she was not tried on these charges. The government denied Bahrami access to Dutch consular officials. According to the International Campaign for Human Rights in Iran (ICHRI), her lawyer was not informed of the execution until after it had occurred.

During the year the government practiced public executions and group executions. Public hangings using cranes or off of overpasses in the presence of onlooking crowds were common practice throughout the year. Amnesty International (AI) reported that authorities acknowledged public executions of at least 28 persons during the first six months of the year. The U.N. special rapporteur on human rights in Iran noted the release of video footage of the public executions of three persons convicted of kidnapping and rape in Azadi Square of Kermanshah on July 19. Footage showed a large crowd in attendance, including children.

According to the ICHRI, authorities conducted group executions at several prisons throughout the country, including Vakilabad, Birjand, Taybad, Karoon, Ghezel Hessar, Urmiya, and Qom, among others. The ICHRI reported that officials at Vakilabad Prison carried out group executions on at least 10 occasions, putting to death at least 118 persons. All those executed had been charged with drug-related crimes. According to ICHRI sources, group executions inside Vakilabad were carried out by hanging in a roofless hallway leading to the prison's visitation hall. The executions were secret, without the knowledge or presence of the prisoners' lawyers or families. Sources also stated that group death sentences of this nature were usually issued at the end of unfair trials that often lasted only minutes.

The government reportedly executed at least four persons for crimes committed when they were minors. For example, on May 5, according to AI, the government executed 16-year-old Hashem Hamidi, a member of the Ahvazi Arab minority, along with four men in Karoun Prison in Ahvaz. Ahvazi Arab sources said the men were arrested after participating in demonstrations on April 15, but the charges against them were not known. Hamidi's trial, in the absence of his lawyer, reportedly took only 10 minutes. The U.N. secretary-general noted in his September report that more than 100 juveniles were on death row in the country.

Adultery remained punishable by death by stoning, but there were no reported executions by stoning during the year. The law provides that a victim of stoning is allowed to go free if he or she escapes. It is much more difficult for women to escape as they are buried to their necks whereas men are buried only to their waists. According to AI, death sentences by stoning continued to be passed, but no stonings were known to be carried out. AI reported that at least 15 prisoners, mostly women, remained at risk of stoning.

Iranian forces regularly bombarded areas along the Iran-Iraq Kurdish border, targeting purported terrorist activities. The Iranian shelling resulted in civilian casualties. For example, on July 28, shelling near the town of Sidakan killed a 13-year-old boy. State media rarely provided reporting or figures on the number killed or injured.

b. Disappearance.—There were reports of politically motivated abductions during the year. Plainclothes officers or security officials often seized journalists and activists without warning, and government officials refused to acknowledge the disappearance or provide any information as to the fate or whereabouts of those taken. In other cases authorities detained individuals incommunicado for several days or longer before permitting them to contact family members (see section 1.d.). Families of executed prisoners did not always receive notification of their deaths (see section 1.a.).

On June 29, according to a Human Rights Activists News Agency (HRANA) report, Green Movement activist Mohsen Kashefzadeh Saraie disappeared. Intelligence Ministry officials reportedly summoned Kashefzadeh over the phone for questioning two days prior to his disappearance. He did not turn himself in as requested and disappeared two days later. Authorities refused to disclose any information on Kashefzadeh's whereabouts, despite requests from his family, and at year's end his fate was unknown.

On July 31, according to Human Rights Watch (HRW), plainclothes security forces arrested prominent rights activist and blogger Kouhyar Goudarzi, along with his friends Behnam Ganji and Nahal Sahabi, at Ganji's home. Authorities reportedly took Goudarzi to an undisclosed location and later transferred him to Evin Prison, where his friends were being held, but refused to acknowledge his arrest or detention. Friends and family requested information from the Tehran Prosecutor's Office but were told there was no file regarding Goudarzi's case. Ganji and Sahabi were released four weeks after their arrest and shared the details of their arrest and detention with their families and in an interview with the ICHRI. Both committed suicide shortly after their release, reportedly due to the trauma they suffered in detention. Security forces had arrested Goudarzi several times since 2006. In June 2010

Branch 26 of the Revolutionary Court convicted him of "propaganda against the regime" and other security-related offenses, sentencing him to one year in prison, which he completed. Despite this, Goudarzi remained in prison at year's end.

There were a few developments in cases from previous years.

On September 5, according to AI, authorities reportedly released Sourena Hashemi, who had been arrested with Alireza Firouzi for their role in exposing the sexual abuse of a fellow student at Zanjan University in 2008. Their January 2010 arrest was not officially acknowledged for more than six weeks. Firouzi reportedly remained in prison at year's end.

On September 13, authorities reportedly released Fayzolah Arabsorki, a former deputy minister of commerce, from prison. According to the opposition Web site Kaleme.com, prison authorities presented him with release papers and then summoned him back to prison four days later to complete his sentence.

In 2009 unidentified persons arrested Arabsorki, a member of the central body of the reformist Islamic Revolution Mujahedin Organization, without presenting a warrant or identifying themselves as police. Arabsorki reappeared in 2010 at Evin Prison. On May 26, he and 25 other prominent political prisoners wrote a letter to the chairman of the governmental Central Board for the Sound Implementation of the Law Regarding the Respect for Contingent Freedoms and Protecting Citizen Rights. The letter called for an investigation into the human rights abuses they and other prisoners had endured in prison. The government initiated no known investigation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit torture, but there were numerous credible reports that security forces and prison personnel tortured and abused detainees and prisoners. There were no credible reports of government investigations into reports of torture or cruel, inhuman, or degrading treatment or punishment. The government repeatedly defended its use of flogging and amputation as "punishment," not torture. On March 1, the U.N. special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment noted with concern the various commonly applied methods of mistreatment, including beatings, stress positions, the denial of medical attention, and prolonged solitary confinement. He noted that such mistreatment affected mainly human rights defenders, journalists, social activists, political activists, religious groups, and individuals associated with various minority groups, including members of the LGBT community. On October 18, members of the U.N. Human Rights Council (UNHRC) criticized the government for the use of inhuman punishments such as flogging.

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

Some prison facilities, including Evin Prison in Tehran, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also maintained unofficial secret prisons and detention centers outside the national prison system where abuse reportedly occurred. The government reportedly used "white torture" especially on political prisoners, often in detention centers outside the control of prison authorities, including Section 209 of Evin Prison, which was reportedly under the control of the intelligence services, according to news sources.

On September 3, according to AI and the U.N. special rapporteur for human rights in Iran, plainclothes officers arrested activist, journalist, and member of the Azeri minority, Faranak Farid, while she was shopping in the northwestern city of Tabriz, beating her so severely that she temporarily lost hearing in one ear and lost the ability to move one of her arms. Farid, a member of the One Million Signatures campaign (see section 6, Women), had most recently been involved in environmental protests. After beating and interrogating her, authorities allegedly forced her to sign a confession that she could not read because they had taken away her glasses. At year's end she remained detained in the Tabriz Central Prison, facing charges of "insulting the supreme leader," "propaganda against the regime," and "acting against national security." As of September 15, according to AI and the special

rapporteur, Farid's requests to see a physician had not been met, and she had been allowed to meet only once with a visitor, her sister, for 45 minutes.

During the year there were several reports of government agents facilitating or encouraging the rape of prisoners and detainees. On June 24, based on letters smuggled from prison and information on Kaleme.com, The Guardian published an article detailing the extent of sexual abuse in the prison system. According to the letters, prison guards distributed condoms to incarcerated criminals to encourage systematic rape of opposition prisoners. Mehdi Mahmoudian, an outspoken member of Iran's Participation Front, a reformist political party, wrote, "[R]ape has become a common act and acceptable." An unnamed family member reportedly stated, "Criminals are repeatedly seen with condoms in hand, hunting for their victims."

On June 10, the IHRDC released a report entitled Surviving Rape in Iran's Prisons, which provided witness statements from five former prisoners, two women and three men, who suffered rape and other sexual abuse during incarceration in previous years. At least three of the rape victims were politically active, and four were raped by prison guards. In a May 30 interview with IHRDC, a man named "Sorrour" discussed his arrest and rape by prison guards, allegedly in retaliation for fighting with his father, a member of the Basij. Sorrour left the country in 2009.

There were a few developments in cases from previous years.

On May 8, authorities released Kayhan columnist, blogger, and documentary filmmaker Mohammad Nourizad, who had been detained in 2009 and reportedly beaten in May 2010, causing what the prison physician classified as a serious head injury that affected his eyesight.

On July 26, Evin Prison authorities added a year to Mohammed Davari's five-year sentence. In 2010, according to various sources, authorities tortured and abused Davari, who served as presidential candidate Mehdi Karroubi's chief of staff and editor in chief of the Saham News Web site, to force him to cast doubt publicly on Karroubi's 2009 claim that postelection prisoners had been raped. Davari won the International Press Freedom award from the Committee to Protect Journalists (CPJ) for his work exposing abuse and rape in the now-closed Kahrizak Prison. Relatives told the ICHRI that Davari's health was deteriorating in prison and that he was suffering from severe depression.

On March 18, Ebrahim Mehtari reported that two men, one of whom was Iranian, accosted him outside his home in Paris, tying a rope around his neck and stabbing him several times. Exactly one year prior, Mehtari participated in a U.N. panel to relate the abuse and torture, including sodomy, he endured during his 2009 detention in Iran.

Some judicially sanctioned corporal punishment constituted cruel and inhuman punishment, including amputation for multiple-theft offenses, and lashings/floggings. On March 16, in connection with an amputation case in the province of Khurasan, the deputy judiciary head stressed that the amputation of limbs is part of the punishment to be meted out to particular offenders. On June 1, Mohammad Javad Larijani, secretary general of the governmental High Council for Human Rights, was quoted by the ISNA as stating that flogging was not torture but rather a punishment and penalty.

On December 11, the Fars Province public relations office reported that the Fars Province Courthouse carried out a foot amputation ruling (Hadd) on Mohammadhossein Q., convicted of armed robbery. His hand had been amputated for the same crime in 2007; however, the foot amputation was delayed for unknown reasons.

On October 9, according to online opposition news outlet Rah-e Sabz, a masked prison guard reportedly carried out a sentence of 74 lashes against journalist and student activist Peyman Aref for writing an "insulting" letter to President Ahmadinejad. The lashing was conducted as a Hadd flogging, which is the harsher type of flogging reserved for the most serious crimes, and it produced serious injuries. In the letter Aref protested the "penalty point" system for politically active university students (see section 2.a., Academic Freedom and Cultural Events), under which his education was curtailed. Aref's March 2010 sentence for "propaganda against the regime" also included one year in prison, which he completed, and a lifetime ban on journalism and political party membership.

Prison and Detention Center Conditions.—Prison conditions were harsh and life threatening. Prisoners committed suicide as a result of the harsh conditions, solitary confinement, and torture to which they were subjected. Prison authorities often refused medical treatment for injuries prisoners suffered at the hands of their torturers and from the poor sanitary conditions of prison life. Hunger strikes in protest of their treatment were common. Prisoners and their families often wrote letters to authorities, and in some cases to U.N. bodies, to highlight and protest their treat-

ment. As a result of the letters, prison officials often beat prisoners and revoked their visitation and telephone privileges.

In a July 13 letter, imprisoned journalist Issa Saharkhiz accused authorities of using harsh prison conditions to slowly kill political prisoners (see section 1.e., Political Prisoners). There were reports of prison guards and other inmates brutalizing and raping prisoners, especially political prisoners, with impunity (see also section 1.c., Torture and Other Cruel, Inhuman, or Degrading Tratment or Punishment). In a May 9 letter, Mehdi Mahmoudian, convicted for "collusion against the government" after participation in the 2009 protests, wrote that rape of young men in Rejai Shahr Prison was "an accepted and common everyday matter" completely ignored by prison officials. Authorities transferred Mahmoudian to solitary confinement without explanation on June 8. Prisoners were frequently subjected to harassment and discrimination. Many prisoners were held in solitary confinement or were denied adequate food or medical care as a way to force confessions.

Overcrowding was a significant problem, forcing many prisoners to sleep on the floor, in the hallways, and even outside in the prison yard. There were reports of food being tampered with to create stomach illness among the prisoners. There were frequent water shortages and sanitation problems. Prisoners were severely restricted in their access to fresh air and often were granted permission to go outside only during the hottest or coldest times of the day. There were reports of officials sending prisoners outside without clothes for prolonged periods of time. Ventilation in the prison was lacking, with the stench of poor sanitation and water facilities permeating the cells. Prisoners were often subjected to sensory deprivation, with either 24-hour light or complete darkness.

On March 15, according to various NGOs, at least nine and as many as 150 prisoners were killed in clashes between prisoners and prison guards at the overcrowded Qezel Heser Prison outside Tehran. At the same time, the head of the prison system, Gholamhossein Esmaili, said a judicial investigation had been opened; however, no reports had been released by year's end. Prison authorities stated that the riot began when death row inmates and drug traffickers committed arson and attacked guards in an attempt to escape. However, human rights advocates told AI that the prisoners were protesting poor conditions and attempts to transfer some inmates for execution. On March 16, state media reported that 14 persons had died, including at least nine prisoners, and 33 had been injured. On March 19, HRANA reported that telephone privileges for prisoners had been cut off until further notice.

On July 15, according to human rights and democracy advocacy groups, Sahar Hadadi committed suicide to protest conditions and brutal mistreatment of women in Gohardasht Prison in the city of Ray. Prison guards reportedly regularly used electric batons and chokers to abuse female prisoners. Hadadi was incarcerated for unknown reasons.

In a July 10 interview on Radio Farda, Ali Tabarzadi, son of prominent political activist Heshmatollah Tabarzadi, stated that Rejai Shahr prison authorities were not providing adequate medical care for his father. The senior Tabarzadi had been transferred to the prison infirmary because of his heart disease but needed to seek treatment outside prison. Heshmatollah Tabarzadi, head of the banned opposition party Iran Democratic Front, was detained by Intelligence Ministry officials in Tehran after the 2009 Ashura protests and sentenced to eight years' imprisonment. He had not been allowed to leave prison since his arrest.

On March 3, reformist news outlet Radio Zamaneh reported that prisons head Esmaili told a gathering of prosecutors that the total prison population was 220,000 inmates, which included 70,000 prisoners awaiting sentencing. The official capacity of the prison system is approximately 85,000. Esmaili also reportedly stated that the number of prisoners in the country had risen by 55,000 since he became head of prisons 18 months earlier. In September he stated that the escalating number of prisoners was causing a crisis, with regular two-month budget shortfalls being common. On April 30, Younes Mousavi, a member of the parliament's judicial commission, stated that prisons were so overcrowded that some prisoners were obliged to sleep in stairways. Mousavi also stated that the annual budget of the Prisons Organization did not cover the cost of food and clothing for prisoners.

On April 8, the ICHRI published an open letter from Seyed Hashem Khastar, a retired teacher and prisoner of conscience, to the judiciary head and the intelligence minister, detailing conditions inside Mashad's Vakilabad Prison. Khastar wrote that his ward held more than 700 prisoners, four times its capacity, and there were as many as 60 individuals in the room where he slept although its official capacity was 15. Khastar was released September 11 on 1.1 million toman ($1,100) bail.

During the year many prisoners, especially political prisoners, went on hunger strikes to protest prison conditions. The health of some prisoners on hunger strikes deteriorated quickly, but authorities did not respond quickly with medical help.

On June 20, the ICHRI reported that prison authorities allowed Hangameh Shahidi medical leave for the first time in eight months (see section 2.a.).

There were reports of juvenile offenders detained with adult offenders. Pretrial detainees occasionally were held with convicted prisoners. Political prisoners were often held in separate prisons or wards—such as Evin Prison, especially wards 2A, 209, 240, and 350, and ward eight of Gohardasht Prison, known as the Islamic Republic Guard Corps (IRGC) ward—or in isolation for long periods of time. Human rights activists and international media also reported cases of political prisoners confined with violent felons and drug dealers.

On July 21, the opposition news site Jaras reported that a new system for obtaining furloughs had been posted on the walls of all the country's prisons. According to the system, prison authorities would allocate points based on good conduct. For example, "cooperating in establishing order or preventing violations" merited 20 points every month and "participating in Friday prayers and other religious ceremonies" earned a prisoner 30 points per month. Most prisoners required 1,000 points to obtain a furlough, but male prisoners over age 60, women over age 55, women who head households, women who have children under 10, and all veterans required only 150 points. Jaras noted that a number of political prisoners had yet to enjoy even one furlough, even though they belonged to the group that required only 150 points.

Prison conditions for women were generally at least as poor as those for men. On May 10, Radio Farda reported that the families of female prisoners transferred to Gharchak Prison south of Tehran had written to the head of the Islamic Human Rights Commission, Mohammad Hassan Ziaeefar, asking him to immediately address the prison's "intolerable conditions." In a letter published on the Kaleme Web site, the families stated the lives of 600 female prisoners were at risk. The prisoners reportedly lived in a hall without beds or access to basic washing facilities and sanitation, and prison authorities beat them when they protested their conditions.

The government did not permit independent monitoring of prison conditions by any outside groups, including U.N. groups or special rapporteurs. Prisoners generally had access to weekly visitors, but this privilege was often revoked, along with telephone and other correspondence privileges. According to former prisoner accounts, prison officials often returned unsent letters to prisoners months after they thought they were sent to their families. Prisoners were able to submit complaints to judicial authorities, but often with censorship and retribution for doing so. Authorities did not initiate credible investigations into allegations of inhuman conditions. There was no information on whether the penal system employed prison ombudspersons and no indication that any steps were taken to improve record-keeping or use alternative sentencing for nonviolent offenders. To the contrary, the authorities utilized secret detention facilities, frequently held prisoners incommunicado, and mixed violent and nonviolent offender populations.

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

Role of the Police and Security Apparatus.—Several agencies share responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security, Law Enforcement Forces under the Interior Ministry, and IRGC. The Basij and informal groups known as the Ansar-e Hizballah (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes. However, the Basij also served in the IRGC ground forces. While some Basij units received formal training, many units were disorganized and undisciplined. During government-led crackdowns on demonstrations, the Basij were primarily responsible for the violence against the protesters.

The security forces were not considered fully effective in combating crime, and corruption and impunity were problems. Regular and paramilitary security forces such as the Basij committed numerous serious human rights abuses, but there were no transparent mechanisms to investigate security force abuses and no reports of government actions to reform the abusers.

Arrest Procedures and Treatment While in Detention.—The constitution and penal code require a warrant or subpoena for an arrest and state that an arrested person must be informed of charges within 24 hours. Authorities rarely followed these procedures in practice. Authorities held detainees, at times incommunicado, often for weeks or months without charge or trial, frequently denying them prompt contact with family or timely access to legal representation. In practice there was neither a time limit for detention nor judicial means to determine the legality of the detention. According to the law, the state is obligated to provide indigent defendants with attorneys only for certain types of crimes. The courts set prohibitively high bail, even for lesser crimes, and in many cases courts did not set bail. Authorities often

compelled detainees and their families to submit property deeds to post bail. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held, which effectively silenced them for fear of losing their families' property.

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

Incommunicado arrest and detention was a common practice. For example, Farzad Madadzadeh was reportedly held incommunicado during the year, and Kouhyar Goudarzi has been held incommunicado since July 31 (see sections 1.a. and 1.e.).

In an October 11 interview with the ICHRI, the wife of imprisoned journalist and member of the Iran Freedom Movement Ali Akrami stated she had no information on his whereabouts since his October 6 arrest (see section 2.a.). According to press reports, Akrami was later released on bail on October 29, although he had been incommunicado during his entire three-week detention.

The government reportedly put individuals under house arrest without due process to restrict their movement and communication. In mid-February authorities suddenly moved former presidential candidates Mehdi Karroubi and Mir Hossein Mousavi and their wives, Fatemeh Karroubi and Zahra Rahnavard, respectively, to an undisclosed location and held them incommunicado for several weeks. They had been under de facto house arrest since 2010, and all but Fatemeh Karroubi remained so at year's end, apparently in response to their calls for protests in solidarity with prodemocracy activists. According to the September report by the U.N. special rapporteur on human rights in Iran, the Mousavis were unable to communicate freely with family or friends, as authorities had destroyed or removed all communication devices from the Mousavis' home. The Karroubis reportedly faced similar conditions, and authorities also had removed the Karroubis' television and books. Mehdi Karroubi was reportedly allowed to go outside of his home only once, for 10 minutes. Radio Zamaneh reported November 10 that Karroubi had been moved to "a more appropriate location." Karroubi's son said Intelligence Ministry officials were also living in Karroubi's new apartment and that authorities were refusing to allow Karroubi's wife to stay with her husband. Domestic media reported that security officials raided Mousavi's office twice during the week of November 6, confiscating books, computers, and personal items. The special rapporteur also noted that members of both families had been harassed, intimidated, and/or briefly detained.

Arbitrary Arrest.—Arbitrary arrest was a common practice and was used by authorities to spread fear and deter activities deemed against the regime. Often plainclothes officers arrived unannounced at homes or offices and conducted raids without warrants or other assurances of due process, confiscating private documents, passports, computers, electronic media, and other personal items and arresting individuals. Once in detention centers, individuals languished for extended periods without charges or trials and in many circumstances were delayed in communicating their whereabouts to their families. Denial of legal access during this time was common, as was the imposition of travel bans if and when the individuals were released. The September 15 U.N. secretary-general's report on the situation of human rights in the country noted with concern the use of solitary confinement, lack of access to lawyers, and use in court of confessions made under duress in pretrial detention.

On January 30, authorities at Tehran Airport detained Omid Kokabi, a postdoctoral student studying nuclear physics in the United States. Kokabi, a Sunni and member of the Turkmen ethnic minority, was accused of acting against national security through contacts with a "hostile country" and illegitimate earnings based on his scholarship. On July 10, according to media sources, he wrote a letter to the head of the judiciary protesting his arrest, the 36 days he spent in solitary confinement, and having been forced to make false confessions. Kokabi reportedly was not granted access to his lawyer at any time during his imprisonment. According to Reuters, his lawyer said the trial began on October 4. There was no further information at year's end.

On February 9, plainclothes police arrested Taghi Rahmani, a writer, journalist, human rights defender, and husband of imprisoned human rights activist Narges Mohammadi (see section 5), five days ahead of a planned antiregime demonstration. According to the Observatory for the Protection of Human Rights Defenders, individuals entered Rahmani's apartment without showing identification cards or an arrest warrant, searched his residence, and confiscated documents. Rahmani was released on May 15 after posting bail of 150 million toman (approximately $150,000).

On September 21, authorities imposed a travel ban on Rahmani, preventing him from leaving the country.

There were a few developments in cases from previous years. On April 17, Branch 26 of Tehran's Revolutionary Court sentenced journalist Nazanin Khosravani to six years in prison for "assembly and colluding to act against national security" and "propaganda against the regime." Khosravani was arrested in November 2010. In mid-March, according to Kaleme.com, she had secured bail of 6.5 million toman ($6,500). According to the Web site, her lawyer stated that they would appeal the sentencing; there was no update on the appeal at year's end.

In December 2010, in return for bail of 800 million toman ($800,000), authorities released former government spokesman Abdollah Ramezanzadeh early from his six-year sentence for "acting against national security." In 2009 police arrested and seriously beat Ramezanzadeh following a letter he cowrote to the head of the judiciary calling for the prosecution of IRGC officials for their role in the 2009 election and its aftermath. However, on February 26, the Green Voice of Freedom Web site reported that Ramezandadeh was rearrested following a scuffle with security forces, and at year's end he reportedly remained in ward 350 of Evin Prison.

On August 20, a revolutionary court sentenced two of the three U.S. citizen hikers arrested by border guards on the Iran-Iraq border in 2009 to eight years in prison for espionage and entering the country illegally. However, on September 21, authorities released the two on 500 million toman ($500,000) bail each, the same as the third hiker who was released in September 2010. On September 27, authorities detained the hikers' lawyer, Masoud Shafii, at the airport, confiscated his passport, and prevented him from travel. Judiciary officials questioned him for several hours about the American hikers and released him the following day without filing any charges. The government banned Shafii from travelling abroad.

At year's end Arash and Kamiar Alaei, physicians specializing in the prevention and treatment of HIV/AIDS who were found guilty in 2009 of "cooperating with an enemy government" and sentenced to five years' imprisonment, had left the country. Kamiar was conditionally released after spending two and one-half years in prison, while Arash was granted final release after more than three years in prison. Officials delayed the release of both.

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

On November 4, the UNHRC expressed concern at the length of pretrial detentions and the absence in the law of a pretrial detention time limit. The UNHRC also expressed concern that pretrial detainees are often held incommunicado in unacknowledged detention centers.

Amnesty.—While the government at times released prisoners early or suspended their sentences, there were no known amnesties granted during the year to any prisoners, including political prisoners.

e. Denial of Fair Public Trial.—The constitution provides that the judiciary be "an independent power;" but in practice the court system was corrupt and subject to political influence. According to the constitution, the head of the judiciary is a cleric chosen by the supreme leader. The head of the Supreme Court and prosecutor general also must be clerics. The head of the judiciary chose revolutionary court judges in part due to their ideological commitment to the system. On November 4, the UNHRC expressed concern about the lack of judicial independence, stating that the judiciary was compromised by undue pressure from the executive branch, including the Office for Supervision and Evaluation of Judges as well as senior clerics and high-ranking government officials. Authorities generally respected court orders, although they also acted extrajudicially at times, especially concerning arrests, searches, and seizures.

Trial Procedures.—According to the constitution and criminal procedure code, a defendant has the right to a public trial, presumption of innocence, a lawyer of his or her choice, and the right of appeal in most cases that involve major penalties. These rights were not respected in practice. Panels of judges adjudicate trials; there is no jury system in the civil and criminal courts. In the Media Court, a council of 11 persons selected by the court adjudicates cases. No defendants in any court had the right to confront their accusers, nor were they granted access to government-held evidence.

The UNHRC and various human rights groups, including AI, HRW, and Reporters without Borders (RSF) continued to condemn trials in the revolutionary courts for

disregarding international standards of fairness. On November 4, the UNHRC expressed deep concern about the frequent violations of fair trial guarantees.

The government often charged individuals with vague crimes such as "anti-revolutionary behavior," "moral corruption," "siding with global arrogance," moharebeh, and "crimes against Islam." Prosecutors imposed strict penalties on government critics for minor violations. When postrevolutionary statutes did not address a situation, the government advised judges to give precedence to their knowledge and interpretation of Islamic law (Sharia). Under the law judges may find a person guilty based on their own "divine knowledge" (elm-e ghazi), or they may issue more lenient sentences for individuals who kill others considered "deserving of death" (mahdoor-ol-dam), meaning that the victim had done something contrary to Sharia. Secret or summary trials of only five minutes duration frequently occurred. Other trials were deliberately designed to publicize a coerced confession.

During the year human rights groups noted the absence of procedural safeguards in criminal trials. There were many examples of the prosecution providing fabricated evidence, forced confessions, trials closed to the public, and trials without juries. Courts often used confessions made under duress or torture. In one instance the court used private e-mails written while the prisoner was in solitary confinement as a confession for the purposes of his sentencing.

On June 16, AI reported that three mothers faced execution after being convicted of drug-trafficking crimes in an unfair trial. Authorities denied them access to a lawyer to prepare for the trial, and they had no right to appeal their death sentences, which were merely confirmed by the prosecutor general as required by the law. Authorities arrested the three women in 2009 and interrogated them without the presence of their lawyers. On August 10, AI stated that the women's cases had likely been sent for review by the Amnesty and Clemency Commission, but there was no further information at year's end.

On October 19, Branch 28 of the Revolutionary Court reportedly upheld a death sentence—preceded by seven-and-a-half years in prison—for Saeed Malekpour, who was arrested in 2008 by the IRGC's "cyber army," a branch of the IRGC used to monitor online activities for unlawful behavior. While it was established to monitor and prevent activities including criminal and terrorist behavior, the unit was also used to monitor opposition to the regime (see section 2.a.). Malekpour was charged with managing pornographic Web sites. Malekpour maintained that the Web sites used programs he wrote but that he was not aware of the nature of the sites. According to the Human Rights House of Iran (RAHANA), Malekpour's family and attorney made numerous requests for neutral third-party information technology experts to study and investigate Malekpour's case and share their findings in court, but the judge denied their repeated requests. The court handed down its verdict after only two weeks. At year's end he remained in prison.

On December 18, state media broadcast an interview with a dual U.S.-Iranian national who "confessed" to being a spy against Iran. The individual was reportedly detained August 29 and held in Evin Prison without access to an attorney. An espionage trial began on December 27, with a court-appointed lawyer representing the dual national. The government refused consular access by the Swiss, who represent U.S. interests in Iran.

There were developments in a high-profile case from 2006. On January 17, Zohre Elahian, a Majlis member, stated that judiciary authorities commuted Sakineh Mohammadi-Ashtiani's sentence from death by hanging to 10 years in prison. In 2006, after having been convicted and punished with 99 lashes for involvement in her husband's murder, a court sentenced Ashtiani to death by stoning for adultery, suspended in September 2010. On June 22, the chief of the East Azerbaijan Justice Administration stated that Ashtiani had begun serving her prison term. However, he further announced that another sentence had not yet been determined. According to a July 8 report received by the International Committee against Stoning (ICAS), Ashtiani remained in Tabriz Central Prison, where she had attempted suicide as a result of psychological pressure from her incarceration, impending sentence, and deprivation of family visits. On May 16, a revolutionary court sentenced one of Ashtiani's lawyers, Houtan Kian, to 11 years in prison for allegedly having two identity cards and for antiregime activities. According to reports, Kian had not been allowed to meet with his lawyer or family and was subjected to significant physical torture and solitary confinement since his arrest in May. On October 28, HRANA reported Kian had been moved to the methadone section of Tabriz Prison. Ashtiani's son, who had also been arrested, was released.

Opposition groups continued to question the legitimacy of the special clerical court system. The court is headed by a scholar in Islamic law and is capable of ruling on legal matters through independent interpretation of Islamic legal sources. Clerical courts, which investigate alleged offenses and crimes by clerics and which the

supreme leader directly oversees, are not provided for in the constitution, and they operated outside the domain of the judiciary. Critics alleged that clerical courts were used to prosecute clerics for expressing controversial ideas and for participating in activities outside the sphere of religion, such as journalism or reformist political activities.

Political Prisoners and Detainees.—Statistics regarding the number of citizens imprisoned for their political beliefs were not available, but human rights activists estimated the number in the hundreds, perhaps as high as 900. According to the ICHRI, an estimated 500 persons were arbitrarily detained for peaceful activities or the exercise of free expression, and another 500 prisoners of conscience had been sentenced to lengthy prison terms following unfair trials. On June 28, the ICHRI reported there were more than 200 political prisoners inside Ward 350 of Evin Prison, at least 120 of whom were imprisoned in the aftermath of the 2009 elections or as Green Movement supporters.

During the year the government rounded up students, journalists, lawyers, political activists, artists, and members of religious minorities (see sections 1.a. through 1.e., 6, and 7.a.). The government charged many with crimes such as "propaganda against the regime," "insulting the regime," and apostasy, and treated such cases as national security trials. According to opposition press reports, the government also arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual offenses were reportedly political. The government also reportedly held some persons in prison for years under charges of sympathizing with terrorist groups such as the MEK, which were often baseless charges. Authorities routinely held political prisoners in solitary confinement for extended periods and denied them due process and access to legal representation. Political prisoners were also at greater risk of torture and abuse in detention. The government generally placed political prisoners in prisons far from their homes and families. The government did not permit international humanitarian organizations or U.N. special rapporteurs access to political prisoners.

In a July 13 letter to U.N. special rapporteur Ahmed Shaheed, imprisoned journalist Issa Saharkhiz accused authorities of using harsh prison conditions to slowly kill political prisoners. Saharkhiz stated: "What is happening now in the prisons is a crime against humanity; it is just as bad as Stalin's inhumane mandatory labor camps in Siberia." Saharkhiz warned that the government's objective was "to kill the protesting prisoners silently and gradually." Referring to the death of two political prisoners, Hoda Saber and Mohsen Dokmehchi, he wrote: "They are deliberately trying to destroy us and have prepared a silent death for us because they fear our survival even behind bars." Saharkhiz, one of the founders of the Society for the Defense of Press Freedom in Iran, was arrested in 2009 and sentenced to three years in prison for "insulting the leader and the regime." He was banned from political and media activities for five years and prohibited from leaving the country for a year. At year's end he was at Rejai Shahr Prison and had not been permitted temporary medical leave despite severe health problems. Opposition Web site Saham News reported on August 29 that prison officials beat Saharkhiz on his way to the prison infirmary.

Authorities occasionally gave political prisoners suspended sentences or released them for short or extended furloughs prior to completion of their sentences, but they could order them to return to prison at any time. Suspended sentences often were used to silence individuals. The government also controlled political activists by temporarily suspending baseless court proceedings against them and allowing authorities to rearrest them at any time, and it attempted to intimidate activists by calling them in repeatedly for questioning. The government issued travel bans on former political prisoners (see section 2.d.).

On April 3, according to opposition media, police arrested Ghassem Sholeh Saadi, a Tehran University professor and former parliamentarian, based on a two-and-a-half-year sentence allegedly revoked several years ago. He was convicted of "insulting the authorities," "acting against national security," and "spreading propaganda to agitate public opinion," based on a letter he wrote in 2002 criticizing some of Ayatollah Khamenei's policies and for giving media interviews on the same. At year's end he was in prison. His repeated requests to authorities for medical attention were denied despite his worsening medical condition, a spinal injury resulting from alleged torture in prison.

On April 29, journalist Siamak Pourzand, age 80, who was held under house arrest in recent years due to his advanced age and health problems, committed suicide by jumping from the sixth-story balcony of his apartment in Tehran. In 2002 authorities sentenced Pourzand to 11 years in prison for "spying and undermining state security" and "links with monarchists and counterrevolutionaries," after torturing and holding him in solitary confinement for months.

On May 3, the government arrested human rights activist Ashkan Zahabian so that he could fulfill a six-month prison term for disturbing public order and for organizing protests at his university. From December 2010 until his arrest, his family faced harassment from Intelligence Ministry representatives, including death threats. On June 13, the ICHRI reported that Zahabian remained in solitary confinement and on August 31, he had begun a hunger strike in Matikola Prison. Zahabian's father told the ICHRI that prison staff had moved his son to solitary confinement after he began his strike, even though he was in a coma, according to other prisoners. His father added that Zahabian had experienced stomach bleeding for two weeks and authorities refused his requests for outside treatment. According to the ICHRI, he was subjected to torture during his incarceration and was housed with violent criminals. On September 22, Zahabian was released and at year's end remained out of prison, suffering from stomach bleeding, liver damage, and other health issues resulting from his reported torture.

On May 4, a court banned Hassan Younesi, a reformist attorney and the son of a former minister of intelligence, from practicing law for five years and sentenced him to one year in prison. The sentence was upheld on appeal on July 4. He was summoned by Evin Prison authorities to serve his sentence. He went to prison and was released on September 29 on furlough. Forces arrested Younesi during the 2009 postelection events and detained him for a lengthy period of time in ward 209 of Evin Prison. At year's end he reportedly was out of prison on furlough.

On May 15, a court presided over by Judge Pir Abbasi sentenced student activist Mostafa Eskandari to 31 years in prison. Authorities arrested Eskandari in 2009 while he was participating in a memorial service at the grave of Neda Agha Soltani, who was killed during the 2009 postelection protests. He was accused of various offenses, including diversion of public opinion, being interviewed by foreign media, and harming national security. During his interrogation he was reportedly violently beaten and tortured; reports stated that interrogators broke his nose and ribs. According to human rights activists, Eskandari was arrested with his wife, Kobra Zaghe Doust. She was imprisoned for two years, during which time she was also violently interrogated and forced to file for divorce against her husband after being threatened with a prolonged sentence of imprisonment. Prison officials prevented Eskandari from seeing his mother on December 16 and beat him when he tried to give her medicine for her failing health. At year's end he remained in Gohardasht prison.

On June 1, according to eyewitness accounts, plainclothes police beat reform activist and women's rights campaigner Haleh Sahabi, leading to her death from cardiac arrest. Sahabi had been serving a two-year sentence after being arrested outside the parliament in 2009, following Ahmadinejad's inauguration. She had been released from prison to attend the funeral of her father, prominent political activist Ezzatollah Sahabi. According to eyewitness accounts reported by international NGOs, including a journalist and member of the Iran Freedom Movement, police interrupted the funeral procession and beat mourners, including Sahabi. During a June 14 press conference, Tehran prosecutor Abbas Jafari Dolatabadi denied authorities had any role in Sahabi's death. In mid-December Majlis member Ali Motahari publicly admitted that the authorities "did not want her to die, and what happened was a result of a lack of attention [by the agents]." At year's end there had been no investigation.

On June 3, the family of imprisoned journalist Masoud Bastani reported that a prison guard beat him in front of them after Bastani asked for more time to say goodbye at the end of visiting hours in Rejai Shahr prison. According to the family, hospital staff later told them he arrived unconscious and was treated for minor head injuries. On June 9, prison officials reportedly transferred him to solitary confinement, where he later went on a hunger strike to protest the deaths of Hoda Saber and Haleh Sahabi in prison. Security forces arrested Bastani in 2009; he was sentenced to six years' imprisonment for propaganda against the government, creating unrest, and disturbing public order. At year's end he was in prison. His wife, Mahsa Amrabadi, also a journalist, was arrested during March 1 protests in Tehran. She was detained in Evin Prison and released on bail on March 16. On June 16, Branch 28 of the Revolutionary Court presided over by Judge Moghiseh sentenced Amrabadi to one year in prison for her antiregime interviews and reporting.

On June 12, according to opposition Web sites, journalist and rights activist Reza Hoda Saber died of a heart attack reportedly brought on by a 10-day hunger strike and beatings by prison authorities without proper medical attention. On June 13, 64 political prisoners in Evin Prison's ward 350 released a statement blaming Hoda Saber's death on abuse by prison authorities. Kaleme reported that Hoda Saber began the strike after Haleh Sahabi died at the funeral of her father on June 1. Prosecutor General Gholam-Hossein Mohseni-Ejei immediately refuted allegations

that Hoda Saber died as a result of the hunger strike or beatings. On June 14, he announced an investigation and stated that his office was awaiting statements from the prison authorities. The Tehran Prosecutor's Office gave a press conference at the same time stating that the prison officials may not have reacted quickly enough to Saber's health complaints. At year's end no further information on the investigation was available. Saber had been serving a 10-year sentence. He was initially arrested in 2000, then released, but detained again during the 2009 postelection crackdown.

From June 12 to July 9, the government detained Mansoureh Behkish, a member of the Mourning Mothers, an organization against execution of prisoners, in Evin Prison. She was previously detained in January 2010, as well as in 2008 and 2009. She is prohibited from leaving the country. Several other members of Mourning Mothers were imprisoned during the year. Parvin Mohktare, mother of Kouhyar Goudarzi, was sentenced to 23 months following her August 6 arrest for protesting her son's imprisonment. She remained in prison at year's end. Zhila Mahdavian was sentenced to five years' imprisonment for protesting her son's imprisonment for his involvement in post-2009 election protests. She was later released on bail and remained out of prison at year's end. Zhila Karamzableh, a poet, was sentenced to five years' imprisonment for writing a poem for Mourning Mothers. She began serving her sentence on December 27 and was in prison at year's end. March media reports indicated that Mourning Mothers member Hakimeh Shokri remained in prison with deteriorating health. In December 2010 authorities arrested Shokri at Behesht Zahara Cemetery along with several other mothers celebrating the birthday anniversary of one of the protesters killed during the 2009 Ashura protests.

On June 15, Mehdi Tajik began his two-year prison sentence in Evin Prison. Tajik, a graduate student at University of Tehran and an outspoken student activist and journalist, was also banned from political activity and journalism for 15 years. He was arrested in his home following the mass Ashura protests in 2009 for founding a student activist organization. He was released in March 2010 on bail. However, on June 15, he was summoned by the Evin Prison enforcement authorities to serve his sentence and remained in prison at year's end.

On June 21, according to the ICHRI, Intelligence Ministry officers forcibly entered journalist and photographer Maryam Majd's home, confiscated personal items, and arrested her a day before a planned trip to Germany to photograph the Women's World Cup. On the same trip she was supposed to complete work on a book about female soccer players. On July 12, a source close to the family told the ICHRI that Majd had spent more than 20 days in solitary confinement and that she had developed digestive and kidney problems. She was released in late July on bail (see section 2.a.).

On July 8, according to HRANA, Branch 3 of the Revolutionary Court in Khuzestan Province sentenced blogger Payman Roshan Zamir to 17 months in prison for "propaganda against the regime" and "insulting the supreme leader." According to the ICHRI, during his May 14 closed trial Zamir did not present a defense to protest the unjust proceedings, including the closed nature of the trial, the lack of jury or representative of the Prosecutor's Office, and fabricated evidence presented against him. He served one month in Karoon Prison, where he recounted the harsh conditions there to the ICHRI in an interview. He was released on bail, and at year's end he likely remained out of prison.

On July 10, security officials arrested actress and Green Movement supporter Pegah Ahangarani before she could leave the country to go to the Women's World Cup, where she was scheduled to participate in related television programming. She was also released in late July.

In mid-September, according to several opposition Web sites, authorities arrested three state media journalists—Mehrdad Sarjouei, a writer for the international sections of the English language daily newspapers; Amir Ali Alamehzadeh, a journalist at the Iranian Labor News Agency; and Hadi Ahmadi, a journalist in the economics section of the ISNA—and detained them in Evin Prison. At year's end they reportedly remained in prison pending charges and trial.

On October 11, the ICHRI reported that Ali Tari, a former IRGC member during the Iran-Iraq war and former Mousavi campaign director, returned to prison to serve his remaining six-month prison sentence for "publishing falsehoods." He had been on medical furlough for his heart condition. The ICHRI reported that Tari's situation in Mati Kola Prison was dire and that prison officials were preventing the delivery of medication for his heart condition. At year's end he remained in prison.

In mid-October human rights organizations reported that security forces had arrested disabled war veteran and Mousavi campaign member Hossein Fayezi at his home and confiscated his personal belongings. At year's end he remained incommunicado.

On December 17, blogger Hossein Ronaghi Maleki submitted a letter to the Tehran Prosecutor's Office protesting his treatment in prison and at the same time began a hunger strike. Maleki was arrested in 2009 for blogging about the post-election protests. In October 2010 Branch 26 of the Revolutionary Court sentenced him to 15 years in prison. According to interviews by family with the ICHRI, prison officials usually beat him after each letter he sent to the Prosecutor's Office.

There were developments in several cases from previous years.

On February 8, a revolutionary court sentenced Mehdi Mo'tamedi Mehr, a member of the Committee to Defend Free, Healthy, and Fair Elections and the banned political organization, the Freedom Movement of Iran, to five years in prison for his political activities during the 2009 election. Authorities detained him after the committee published a statement about civil society institutions as election observers.

On January 10, an appeals court upheld a 10-year prison sentence and ban on political activities for Emad Bahavar, also a member of the Iran Freedom Movement. In 2009 authorities detained Bahavar for "spreading propaganda against the regime" by campaigning for presidential candidate Mousavi. At year's end he remained in Evin Prison.

At year's end student activists Mohsen Barzegar and Iman Sadighi were likely in prison. Their colleague Nima Nahvi was released on January 12 after serving a 10-month sentence. In February 2010 an appeals court upheld prison sentences for Barzegar, Sadighi, and Nahvi, and one-year suspended sentences for Hamid Reza Jahantigh, Hessam Bagheri, Siavash Salimi Nejad, and Ali Taghipour. The students, most of whom were also prohibited from attending educational institutions for one to five years, were convicted of "actions against national security" and "propaganda against the regime," based on their alleged planning of and participation in protests and contacts with antigovernment entities. Authorities conditionally released Barzegar and Sadighi in July 2010, but in November 2010 police rearrested Barzegar at his home prior to National Students Day, allegedly without a warrant (see section 2.b.), and again during February 14 protests in Babol. According to the ICHRI, Barzegar informed his family of his poor health in solitary confinement at the Sari Intelligence Office Prison, but authorities reportedly refused to allow his family to bring him medication. On June 24, multiple news sources reported that Barzegar had been sentenced to two years in prison for acting against national security and insulting the supreme leader due to his participation in the February 14 protests. He was tried in absentia. In February various news sources reported that security forces had arrested Sadighi during student demonstrations in Shiraz and taken him to an unknown location. On August 29, HRANA reported that Sadighi had been sentenced to one year in prison for "propaganda against the regime." Authorities reportedly held him in solitary confinement for 20 days and tortured him into making a televised confession.

At year's end Bahareh Hedayat remained in Evin Prison. She was convicted in May 2010 of "insulting the supreme leader" and sentenced to six months for "insulting the president," and five years for "actions against national security, propagation of falsehoods, and mutiny for congregation." News reports on November 3 indicated that six months were added to her sentence, which was up to 10 years because of earlier suspended sentences. On June 1, Hedayat's husband was arrested during reform activist Haleh Sahabi's funeral (see section 1.a.).

On January 24, authorities executed Jafar Kazemi (see section 1.a.).

On January 9, a revolutionary court convicted Nasrin Sotoudeh, a prominent human rights lawyer and women's rights activist, of "acting against the national security," "propaganda against the regime," and "membership in a banned organization," namely Nobel Peace Prize laureate Shirin Ebadi's Defenders of Human Rights Center (DHRC), and sentenced her to 11 years in prison and a 20-year travel ban. Following her sentencing, authorities arrested her husband, Reza Khandan, and detained him for a week. He was released without charge. However, in early October he was summoned again to the Evin Prison court for a letter he wrote to the Tehran prosecutor in 2010 regarding the conditions of his wife's arrest. On June 8, the ICHRI reported that Evin Prison authorities had forbidden visits to Sotoudeh from her children in an effort to pressure her into a false confession. In early August a prison guard harassed Sotoudeh's husband and tried to take away his notebook, which he had used to write down a list of items Sotoudeh needed in prison. According to the ICHRI, officials detained the family for five hours, during which time a female officer physically abused Sotoudeh's sister. On September 14, Branch 54 of the Tehran Appeals Court reduced Sotoudeh's sentence to six years. On October 24, Khandan told the ICHRI that prison officials had banned visits because Sotoudeh had refused to wear a headscarf inside the prison, even though there are no laws requiring it. She remained in prison at year's end, but it was unknown whether she remained in solitary confinement.

On March 31, RAHANA reported that authorities had banned family visits at Evin Prison for Mahdieh Golrou, a student activist and member of the Advocacy Council for the Right to Education who was convicted in April 2010 for interviewing with foreign media in a tribue to Students Day, acting against national security, and purported association with the MEK. She reportedly told the ICHRI that the MEK charge was "ridiculous." On April 9, according to media reports, authorities moved Golrou to solitary confinement at Evin. On July 16, they reportedly released her on a short furlough. Golrou suffered from intestinal problems during her imprisonment.

During the year Shabnam Madadzadeh, a member of the Islamic Association and deputy general secretary of the student organization Tahkim Vahdat, and her brother Farzad Madadzadeh wrote separate letters to the U.N. special rapporteur for Iran criticizing the government's treatment of prisoners, especially members of the opposition. Shabnam wrote that prison officials abused her and her brother during interrogations and held them in solitary confinement in Evin Prison. Human rights advocates reported that Farzad and three other political prisoners were subjected to "severe mental and physical pressure" from Intelligence Ministry officials after writing the letter. In January 2010 a revolutionary court sentenced the Madadzadehs to five years' imprisonment for moharebeh and propaganda against the state. In late October Shabnam said she was being held in Evin, after having been transferred to Qarchak Prison from Rejai Shahr Prison earlier in the year, while Farzad had reportedly been transferred back to Rejai Shahr, where he was being held incommunicado.

On September 10, security forces arrested Abdolfattah Soltani (see section 1.f.).

On November 2, the trial began of ailing former foreign minister and secretary general of the Freedom Movement of Iran Ebrahim Yazdi on charges of "assembly and collusion against national security," "propaganda against the regime," and "establishing and leading the Iran Freedom Movement" after being delayed several times during the year. At the trial opening, the 80-year-old Yazdi did not offer any defense; Yazdi's son-in-law told the ICHRI Yazdi chose to remain silent because he found the Revolutionary Court unqualified to review the charges against him. According to his son-in-law, Yazdi remained imprisoned under house arrest, where poor living conditions were reportedly contributing to his deteriorating health. Authorities detained Yazdi at least three times after the 2009 elections, most recently on October 1 for allegedly participating in "illegal prayer" while he attended the memorial service for the daughter of a friend in a private home. During one of his imprisonments, Yazdi spent 50 days in solitary confinement. Yazdi was recovering from bladder cancer surgery as well as heart surgery, and his family believed his life was in danger because of the physical and psychological strains of imprisonment, lack of medical care, and unsanitary conditions. At year's end he was out on bail for medical treatment.

On July 19, Branch 4 of Evin Prison Court summoned imprisoned student activist Abdollah Momeni to face new charges of "propagating lies" and "creating public anxiety" for a letter he wrote to the supreme leader in August 2010 asking him to investigate the use of torture during interrogations. On July 10, Momeni's wife, Adinehvand, told Radio Farda that her husband was suffering from intestinal problems as a result of his recent hunger strike to protest the death of Hoda Saber. On November 4, she told the ICHRI that she was no longer permitted to visit him. Momeni, a spokesman for the country's largest reformist student organization, the Office to Foster Unity, was arrested during the 2009 postelection crackdown and was sentenced to four years and 11 months in prison. At year's end he was in ward 350 of Evin Prison.

During the year authorities continued to prevent an Iranian-American academic from leaving the country. He was initially arrested in 2009 on charges of espionage based on his association with the Open Society Institute and sentenced to 15 years in prison, later reduced to five years by an appelate court. At year's end he remained under house arrest and under a travel ban.

On September 1, HRANA reported that judicial and prison authorities at Rejai Shahr Prison continued to deny medical care to former university student Misagh Yazdan-Nejad, sentenced in 2009 to 13 years' imprisonment for participating in a 2007 demonstration. He was reportedly in critical condition with a respiratory illness. At year's end he remained in prison in critical condition.

On January 26, Iran Human Rights Voice reported that authorities had released from detention Mohammad Ozlati-Moghaddam, head of opposition leader Mousavi's veterans' affairs committee. He was reportedly arrested in November 2010 for his connections to the Mousavi campaign.

November 3 media reports indicated that an appeals court upheld a six-year prison sentence against economist and journalist Saeed Leylaz for allegedly maintaining

ties with foreigners, working to overthrow the government, and critizing the economic performance of the regime during 2009 postelection protests. He was released on bail in 2010, and at year's end it was believed that he remained out on bail.

On June 20, IRGC-linked Jahan News reported that the seven-year sentence for Emaddedin Baghi, founder of the Committee for the Defense of Prisoners' Rights, had been reduced to one year on appeal. On June 21, international media reported that the government had released Baghi, according to his lawyer. In 2010 Baghi was convicted of "propaganda against the regime" and "colluding against the security of the regime" in connection with an interview with the late grand ayatollah Hossein Ali Montazeri and his work advocating for prisoners' rights. A revolutionary court also prohibited him from participating in political activity for five years. Authorities imprisoned Baghi on previous occasions since 2000 for his activities as a journalist and his campaigns against the government's execution of juvenile offenders.

On July 27, the ICHRI reported that Atieh Tehari, the wife of Azerbaijani journalist and ethnic minority rights activist Saeed Matinpour, said her husband was suffering from untreated back problems in Evin Prison. He had also had several heart attacks. Authorities arrested Matinpour in 2007 for participating in a seminar in defense of Turkish-speaking citizens in Turkey. The court sentenced him to eight years in prison for "contact with foreigners" and "propaganda against the regime."

On February 27, Evin Prison officials reportedly attacked and beat dissident cleric and regime critic Ayatollah Mohammad Kazemeini Boroujerdi and forcibly shaved his beard. Some reports suggested Boroujerdi may have lost vision in one eye and that authorities did not allow him to leave prison to receive medical treatment. On October 1, human rights groups reported Boroujerdi suffered a severe heart attack, which led to pulmonary edema. Intelligence authorities reportedly rejected demands by prison officials for him to be treated at a properly equipped medical facility. In addition, sources told the ICHRI in April that Boroujerdi's relatives and followers reported abuse and arrests by security forces. Forces in civilian dress allegedly attacked Boroujerdi's sister Sa'adat and broke her leg, and authorities placed their brother, Seyed Mohsen Boroujerdi, under house arrest. The government also arrested supporters of Boroujerdi, including Iman Khodadai, who reported he and others had been beaten and abused while in detention. The followers also reported that security forces put their homes under surveillance and harassed them with threatening phone calls. Boroujerdi is a cleric who advocated the separation of religion and government; he was arrested in 2006. At year's end there were continued concerns over his health and lack of access to medical care.

On June 28, human rights advocates reported that authorities moved Berouz Javid-Tehrani and three other political prisoners to solitary confinement at the IRGC prison and later transferred them to ward 209 of Evin Prison. Family members reportedly were not permitted to visit, and he was reportedly severely tortured throughout the duration of his imprisonment. He was retried in mid-October and was finally released on his birthday, December 26. Javid-Tehrani was imprisoned for his activities during the 1999 student uprising.

All of the following individuals were believed to be in prison at year's end: writer and student leader, Amin Ghazain Tehran; reformist cleric and member of the reformist political group Islamic Iran Participation Front, Hadi Qabel; Office for Consolidating Unity spokesman, Ali Nikunesbati; former vice president, Muhammad Ali Abtahi; former interior ministry official Muhammad Atrianfar; intellectual and prodemocracy activist, Saeed Hajjarian; Kurdish and women's rights activist, Zeinab Bayazidi; political activist and founder of the Iran Democratic Party, Abbas Khorsandi; and leader of the reformist party the Islamic Iran Participation Front, Mohsen Mirdamadi.

Civil Judicial Procedures and Remedies.—According to the constitution, the Court of Administrative Justice—under the supervision of the head of the judiciary—investigates the grievances of citizens with regard to government officials, organs, and statutes. In practice citizens had limited ability to sue the government. Citizens were not able to bring lawsuits against the government for civil or human rights violations. Dispute resolution councils are available to settle minor civil and criminal cases through mediation before referral to courts.

Property Restitution.—The constitution allows the government to confiscate property acquired illicitly or in a manner not in conformity with Islamic law, and the government particularly targeted religious minorities, especially members of the Baha'i faith. On November 9, the Baha'i International Community reported a wave of attacks on Baha'is and their property, including incidents in Rasht, Semnan, and Sanandaj. There were also reports during the year of authorities seizing the property of members of the Sunni religious minority.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that "reputation, life, property, [and] dwelling[s]" are protected from trespass except as "provided by law," but the government routinely infringed on this right. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations and Internet communications, and opened mail without court authorization. There were widespread reports that government agents entered, searched, and ransacked the homes and offices of reformist leaders, activists, and journalists—including relatives of BBC staff members (see section 2.a.) and political opposition leaders Mir Hossein Mousavi and Mehdi Karroubi (see section 1.d., Arrest Procedures and Treatment While in Detention)—in an attempt to intimidate them.

On September 10, after his arrest on charges of waging propaganda against the regime, establishing the DHRC, assembly and collusion against national security, and accepting an unlawful prize (the Nuremberg International Human Rights Award), security forces entered the offices of prominent human rights lawyer Abdolfattah Soltani and confiscated several of his personal and family documents. According to Soltani's wife, Massoumeh Dehghan, authorities later ransacked their house without showing a warrant, and took CDs, papers, and other documents. On November 17, Dehghan told the ICHRI that Soltani would file a lawsuit against the head of the governmental High Council for Human Rights, Mohammad Javad Larijani, for making false accusations against him. On November 16, Larijani accused Soltani of being connected to terrorist groups. Soltani was believed to be in solitary confinement in Evin Prison at year's end.

On December 10, authorities released a film of journalist Mohammad Nourizad on YouTube consisting of private video footage made by Nourizad in his home, which included praise for the supreme leader as well as criticism of Nourizad's time in solitary confinement for 60 days. He also wrote weekly letters to the supreme leader criticizing the conditions of solitary confinement in prisons. For his criticism IRGC officials confiscated the footage along with his camera and other personal items during a raid on his home. Following the raid the video was released without his knowledge or consent. According to an interview with the ICHRI on December 17, Nourizad was concerned that the government would use the video against him.

There were numerous reports throughout the year of women arrested for wearing improper hijab or tight-fitting clothing. Authorities also warned men against wearing necklaces and having "glamorous" hairstyles. There were several reports of morality police shutting down hair salons for dispensing "inappropriate" styles for men. Vigilantes continued their attacks on young persons considered "un-Islamic" in their dress or activities during the year, with no reports of criminal sanction for their violence. On May 9, the head of the morality police, Commander Ahmad Rouzbehani, announced that 70,000 officers would be dispatched to enforce the stringent moral codes, particularly concerning "un-Islamic" dress, among the population. The media reported several arrests, some with violence, over the summer as these officers stopped vehicles to arrest women without proper head coverings and stopped people on the street for "appearing in public like models." YouTube featured several videos of women being harassed by uniformed and plainclothes officers for inappropriate dress.

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

On January 30, authorities summoned one of opposition politician Mehdi Karroubi's sons, Mohammad Hussein, to the Evin Prison Court. According to the Karroubi-affiliated Web site Saham News, authorities questioned Mohammad Hussein in relation to his father's stance that prisoners were being abused at the Kazhirak detention facility. On February 22, authorities arrested another son, Ali Karroubi, and Mehdi's daughter-in-law, Nafiseh Panahi, at his parents' house. Panahi was released a few hours later, but Ali Karroubi was reportedly detained until March 17 and paid a bail of 100 million toman ($100,000). Ali Karroubi alleged he was tortured and beaten throughout his detention in solitary confinement in Evin Prison.

On October 5, the BBC reported that police and government officials had been arresting, questioning, and intimidating relatives of BBC staff members of Iranian origin but who no longer lived in the country. According to the report, authorities confiscated passports, searched homes, and urged relatives to tell BBC staff members to stop appearing on air, return to the country, and secretly provide information about the BBC.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of expression and of the press, except when the words are deemed "detrimental to the fundamental principles of Islam or the rights of the public." The law states that "anyone who undertakes any form of propaganda against the state" can be imprisoned for as long as one year; the law does not define "propaganda." The law also provides for prosecution of writers for instigating crimes against the state ornational security, or for "insulting" Islam; the latter offense is punishable by death. The government severely restricted freedom of speech and of the press, and it used the law to intimidate or prosecute not just individuals directly criticizing the government, but also those raising topics such as women's or minorities' rights. The CPJ stated that the government maintained a campaign of press intimidation throughout the year.

Freedom of Speech.—Individuals could not criticize the government publicly or privately without reprisal, and the government actively sought to impede criticism. The government monitored meetings, movements, and communications of opposition members, reformists, activists, and human rights defenders. The government accessed private e-mail accounts during the year and used the information obtained to harass, intimidate, and arrest account owners. The government often charged individuals with crimes against national security and insulting the regime based upon letters, e-mails, and other public and private communications. During the year there were several cases of the government increasing prison sentences for prisoners who wrote open letters criticizing their treatment or other government practices (see section 1.e.).

On February 3, Branch 28 of Tehran's Revolutionary Court sentenced Khalil Bahramian to 18 months in prison and prohibited him from practicing law for 10 years. Bahramian, an attorney who defended many of the 2009 protesters and other Kurdish prisoners, was found guilty on charges of "spreading propaganda against the regime" and "insulting the head of the judiciary." The charges were based on interviews he conducted with foreign and domestic media following the May 2010 execution of five political activists he defended. Bahrami had discussed in the interview various judicial irregularities that led to the hangings. At year's end he remained in prison.

On February 20, according to state television, Faezah Hashemi Rafsanjani, the daughter of former president Akbar Hashemi Rafsanjani and an outspoken political and women's rights activist, was briefly detained for "making blunt statements" and "chanting provocative slogans" at a banned opposition rally in Tehran. Rafsanjani was later harassed by plainclothes officers at a rally in mid-April for an interview that she gave opposition news outlet Roozonline, in which she said that the regime was run by "thugs and hooligans." In mid-December she had a closed-door trial on charges of insulting the regime. At year's end she had not been sentenced.

According to Daneshjoo News, during the year the government adopted a harsher stance and imposed security restrictions against poets deemed critics of the regime. On March 10, according to various sources, plainclothes policemen arrested Mostafa Badkoobehi in his home. He was detained in solitary confinement in ward 209 of Evin Prison before being released on bail. After the elections Mostafa's poems focused on criticism of Ahmadinejad's government.

There were developments in one case from 2010. On June 11, a court sentenced economist Fariborz Rais-Dana to one year in prison. According to local media, he was charged with membership in a writers' association, preparing press releases for "seditionists" (i.e., reformists), and issuing announcements against the regime, all stemming from his criticism of government-subsidy cuts in a BBC interview in December 2010. Rais-Dana was arrested in December 2010 and held for approximately one month. On January 17, he was released on 30 million toman ($30,000) bail.

Freedom of Press.—There were private print media companies in the country, but the government held significant influence over all media. The Islamic Republic of Iran Broadcasting (IRIB) directs state-owned media. According to the constitution, the supreme leader appoints the head of IRIB, and a council composed of representatives of the president, judiciary, and the Majlis oversees IRIB's activities. The government's Press Supervisory Board (PSB) is responsible for issuing press licenses (which it sometimes revoked in response to articles critical of the government) and for examining complaints filed against publications or individual journalists, editors, or publishers. During the year the government banned, blocked, closed, and/or censored publications that were critical of the government. The government did not permit members of foreign media outlets to film or take photographs in the country, required foreign correspondents to provide detailed travel plans and topics of proposed stories before it granted visas, and attempted to influence them through pres-

sure to garner more favorable coverage. Freedom House considered the country "not free" in terms of media freedom.

The government severely limited the operation of independent print media by shutting down or prohibiting opposition and reformist newspapers, intimidating journalists, and censoring news. Government-controlled print media were also subject to censorship, restrictions, and even temporary closures for reportedly insulting the regime. International NGOs reported that authorities had temporarily shut down at least 40 publications since 2009. The Media Court ordered permanently closed more than 10 national publications during the year.

On September 5, according to ISNA, the Tehran Prosecutor's Office banned Rouzgar, a daily reformist publication, and Shahrvand-e Emrouz, a weekly reformist magazine, for publishing unacceptable material. According to ICHRI reports, the charge stemmed from a cover photo of President Ahmadinejad in traditional garb.

On November 19, the Tehran Prosecutor's Office ordered a two-month closure of Etemad, a reformist newspaper, for "disseminating lies and insults regarding government officials." The order cited several articles, including an interview with Ali-Akbar Javanfekr, President Ahmadinejad's media adviser, head of the Islamic Republic News Agency (IRNA), and manager of Iran, in which he criticized the inner circle of the president. On November 20, a Tehran criminal court sentenced Javanfekr to one year in prison and banned him from journalism for three years for "publishing materials contrary to Islamic norms" based on an August Iran article questioning the country's dress code for women. On November 21, security forces raided Iran's offices, reportedly using tear gas to disrupt a press conference where Javanfekr was speaking, and detained 30 staff members, including Javanfekr. The government released Javanfekr and the staff members later in the day. At year's end he remained free on bail.

The following papers banned in 2009 remained so: Kalameh Sabz, Etemad-e Melli, the business newspaper Sarmayeh, and Hayat-e no.

According to the constitution, private broadcasting is illegal. The government controlled and maintained a monopoly over all television and radio broadcasting facilities through a state-controlled entity, the Voice and Vision Organization. Radio and television programming—the principal source of news for many citizens, especially in rural areas—reflected the government's political and socioreligious ideology. Although satellite companies broadcast on private networks based in third countries, the government pressured advertising companies to work only with state-owned media. In November the police chief publicly warned companies advertising on satellite television that they might face criminal charges. In doing so, many independent stations and programs were forced to close. Foreign programs, such as BBC Persian and Voice of America (VOA), were subjected to government jamming.

Satellite dishes that received foreign television broadcasts were forbidden, and the government often confiscated them from homes. According to opposition Web sites, police confiscated satellite dishes from rooftops in Tehran ahead of the February 11 anniversary of the Islamic revolution. In late May authorities launched a new campaign to remove dishes, and Tehran police confiscated more than 2,000 satellite dishes in a single day. In mid-August Tehran Special Operations forces along with plainclothes police used ropes to climb on to balconies and enter private homes. On October 1, the country's police chief promised to intensify efforts to confiscate dishes, having earlier claimed that such efforts had become "three times more effective" over the previous months. On October 20, the assistant commander of state security forces in Mazandaran claimed to have confiscated more than 6,000 dishes. However, most satellite dishes in individual homes reportedly continued to operate at year's end.

On December 1, the government banned all foreign media from filming or reporting on the scene of protests in front of the United Kingdom embassy, following its storming by students in the previous days. This banning was notable because although the government has previously prohibited foreign media from covering opposition rallies, the ones held in front of the embassy were progovernment.

Book printers were still required to receive prepublication permission from the Ministry of Culture and Islamic Guidance, which reviewed and censored all manuscripts. The ministry also inspected foreign printed materials prior to their domestic release. In January the government banned all publications and sales of popular author Paulo Coelho's books due to his support for a journalist who spoke out after the 2009 post-election violence.

Violence and Harassment.—The government and its agents harassed, detained, tortured, and prosecuted publishers, editors, and journalists for their reporting (see also section 1.e., Political Prisoners and Detainees). The government also harassed many journalists' families, and journalists were often subjected to solitary confinement in prison. During the year the government detained, jailed, tortured, or fined

numerous publishers, editors, and journalists (including Internet media) for their reporting. The RSF reported that 42 journalists remained in detention at year's end. International NGOs reported that more than 60 journalists were forced into exile during the year alone, and authorities had shut down at least 40 publications since 2009. Eighteen journalists, along with their families, were in exile.

On September 5, police arrested reporter and photojournalist Reza Entessari during protests to protect the rights of Gonabadi dervishes, a minority group that is a Sufi sect. In December he was transferred from ward 209 to ward 350 of Evin Prison, and at year's end he remained in prison awaiting sentencing.

On September 17, authorities arrested six citizens making a documentary for the BBC's Persian news service, reportedly without authorization from the foreign press department of the Ministry of Culture. Hadi Afarideh, Shahnam Bazdar, Mojtaba Mirtahmasb, Naser Saffarian, Katayoun Shahabi, Mohsen Shahrnazdar, and Mehran Zinatbaksh were charged with providing the BBC material deemed damaging to the regime. Bazdar was released soon after his detention. Authorities released Afarideh, Saffarian, and Shahrnazdar on October 10 on bail of two million toman ($2,000) each; Shahabi and Zinatbaksh were released on November 10. Mirtahmasb was reportedly released on December 11 on bail of two million toman ($2,000).

There were developments in two cases from previous years.

On May 31, a court added another year onto Bahar Ahvaz reporter Abolfazl Abedini Nasr's 11-year prison sentence for crimes of "propaganda against the regime." The reasons for this additional sentence were not disclosed. In February 2010 security officials beat and arrested Abedini and transferred him to Evin Prison, where he reportedly underwent harsh torture during interrogation, resulting in severe heart damage. In April 2010 Branch One of the Revolutionary Court sentenced him to 11 years in Karoun Prison in Ahvaz for association with foreign governments, membership in the NGO Human Rights Activists of Iran (HRAI), and "propaganda against the regime" based on his interviews with foreign media. During the year authorities denied him medical furlough and family visits.

On June 20, the ICHRI reported that prison authorities allowed Hangameh Shahidi, an imprisoned journalist, women's rights activist, and single mother, medical leave for the first time in eight months. A women's issues adviser to then presidential candidate Mehdi Karroubi during the 2009 elections, Shahidi was imprisoned in 2009 on a six-year sentence for "gathering and colluding with the intent to harm state security" and "propaganda against the regime."

Censorship or Content Restrictions.—The law forbids government censorship, but it also forbids disseminating information that the government considers "damaging," and during the year the government censored publications—both reformist and conservative—that were critical of government actions or contradicted the official version of a story. "Damaging" information included discussions of women's rights, the situation of minorities, and certain economic affairs. Government officials also routinely intimidated journalists into practicing self-censorship. Public officials often lodged criminal complaints against reformist newspapers, and the PSB referred such complaints to the Media Court for further action, including closure and fines. The court conducted its hearings in public with a jury of appointed clerics, government officials, and editors of government-controlled newspapers. Some human rights groups asserted that the increasingly conservative Media Court assumed responsibility for cases before PSB consideration.

The government banned coverage of the April crackdown on the Arab minority protests in Khuzestan (see section 6, National/Racial/Ethnic Minorities) and denied both international and local media access to the scene of the protests.

The August 2010 ruling by the Ministry of Culture and Islamic Guidance, which bans the publication of any news or information related to opposition figures Mehdi Karroubi and Mir-Hossein Mousavi and former president Mohamad Khatami, reportedly continued in force.

Libel Laws/National Security.—The government commonly used libel laws or cited national security to suppress criticism. According to the law, if any publication publishes articles containing insult, libel, false statements, or criticism of an individual, the individual has the right to respond in the publication within one month. However, if the libel, insults, or criticism involves Islam or national security, the individual can be charged with apostasy and crimes against national security, respectively. The government liberally applied the press law throughout the year, often citing statements made in various media outlets or Internet platforms that criticized the government in any way to arrest, charge, and sentence individuals for crimes against national security. During the year the government used national security laws to prosecute journalists and individuals who gave interviews to Western

media, including journalist Hassan Fathi, arrested after an interview with BBC Persian.

At the end of January a court sentenced Mostafa Daneshjoo, Farshid Yadollahi, and Amir Eslami, lawyers and members of the Human Rights Commission of the Bar Association, to six months in prison for disturbing public opinion and libel based on their legal work with the Gonabadi dervishes. The charges were based on their dissemination of information regarding violations that security and intelligence officials committed against their clients. Despite their defense and no proof of malintent in their case, the government found them guilty of libel and creating public anxiety. In September security forces arrested the three, along with at least one other colleague. At year's end they were in the security ward of Evin Prison.

On October 5, according to the CPJ, authorities arrested four reformist newspaper journalists—Medhi Afsharnik, Ali Akrami, Mohamed Heydari, and Mohsen Hakim—in their homes and took them to Evin Prison. All were charged with "propaganda against the regime" and "acting against national security." All had their homes ransacked and personal items confiscated. They were reportedly released on bail on October 29. At year's end their cases were pending.

There were developments in three cases from the previous year. On July 20, prison authorities summoned Mashallah Shamsolvaezin, head of the journalists' association and a prominent reform journalist, to serve out his 16-month sentence. In December 2010 Branch 28 of the Tehran Revolutionary Court sentenced Shamsolvaezin to 16 months in prison for "insulting the president" and "weakening" the government, based on interviews he gave to international media. Shamsolvaezin's attorney, Mohammad Seifzadeh, was serving a nine-year sentence in prison and banned for life from practicing law for his role in founding the DHRC (see section 5) and was therefore unable to defend his client.

On May 5, Ali Malihi, a journalist for reformist outlets Etemad, Irandokht, Shahrvand-e-Emruz, and Mehrnameh, was released on bail. Malihi was arrested in February 2010. According to the CPJ, a revolutionary court tried and sentenced him to four years in prison for "congregation and mutiny against the regime," "propagation against the regime," "participation in illegal gatherings," "publication of falsehoods," and "insulting the president." The CPJ reported he was held in solitary confinement for 14 months in Evin Prison and went on at least one hunger strike to protest his treatment.

On March 2, authorities rearrested journalist and activist Mahboubeh Karami, her fifth arrest in three years (see section 6, Women).

Internet Freedom.—All Internet service providers (ISPs) must be approved by the Ministry of Culture and Islamic Guidance. The government also requires all owners of Web sites and blogs in the country to register with the Ministry of Culture and Islamic Guidance, which along with the Ministry of Communications and Information Technology, Ministry of National Security, and Tehran Public Prosecutor's Office, were represented on the Committee in Charge of Determining Unauthorized Web Sites, the governmental organization that determines blocking criteria. The same laws that apply to traditional press also apply to electronic media, and the PSB and judiciary used the law to close Web sites during the year. NGOs reported that the government continued to increase its control over the Internet during the year as more citizens used it as a source for news and political debate. In March the government announced plans to create a national Intranet to replace the Internet. At year's end this had not occurred, but there was increasing government rhetoric publicizing the system's imminent release.

On November 1, the government established the "Cyber Command" under the IRGC, replacing and strengthening the "Cyber Army." Like its predecessor, the Cyber Command was officially charged with monitoring, identifying, and countering cyberthreats against national security, and it had recruited and trained at least 2,000 members at year's end. In practice the organization harassed individuals who spoke out against human rights violations committed by the government or criticized the government in any way, including raising sensitive social issues. On August 28, the Cyber Army created a fake e-mail certificate authority, exposing the personal details of more than 400,000 Gmail account holders and putting the lives of many political opposition, human rights activists, and defenders in jeopardy.

Through the Cyber Army and Cyber Command, the government monitored Internet communications, especially social networking Web sites, such as Facebook, Twitter, and YouTube, and collected individuals' personally identifiable information in connection with peaceful expression of views. Freedom House and other human rights organizations reported that authorities sometimes stopped citizens at Tehran International Airport as they arrived in the country, asked them to log into their YouTube and Facebook accounts, and in some cases forced them to delete information.

According to the RSF, the government blocked access to thousands of Web sites during the year, and in some cases ISPs redirected computer users to progovernment news sites. The government also intentionally reduced Internet speed to discourage residents from downloading material. By order of the Ministry of Communications and Internet Technology, households and cybercafes are prohibited from having high-speed access. During the year and especially during periods prior to the anniversaries of the Islamic Revolution (February 11), the 2009 presidential election (June 12), and Students' Day (December 7), and in anticipation of the February 14 and 15 protests, authorities slowed Internet speed, further reduced access to Facebook, Twitter, and Gmail, and blocked opposition Web sites, including that of former president Rafsanjani. The Cyber Army and Cyber Command used sophisticated filtering technology to rapidly respond to newly published Web content. On February 22, the Cyber Army hacked into the VOA and 95 affiliated Web sites to protest their "immoral" messages. On each of the sites that it hacked into, an Iranian flag and gun were displayed. The Reuters and Yahoo! Web sites were allegedly censored and periodically blocked since the early spring. Google was reportedly partially blocked and Gmail periodically interrupted. According to reports from early July, the government had banned more than five million sites, including social media sites and foreign news sites such as BBC and CNN. Internet NGOs reported that the government was attempting to block Internet users' access to circumvention technology. The government also censored Web site content to control citizens' access to information. According to Freedom House, content from opposition leaders' Web sites was deleted during the year.

During the year the government prosecuted and punished several bloggers and webmasters for peaceful expression of dissenting views through the Internet.

On January 24, a revolutionary court sentenced journalist, blogger, and IRNA reporter Siamak Ghaderi to four years in prison on charges of participating in and reporting on public gatherings and "propaganda against the regime" for calling the government "illegitimate." According to RAHANA, authorities detained Ghaderi in August 2010. Authorities reportedly stated that he would be released only if he guaranteed he would publish articles in support of the government and the supreme leader on his blog, Our IRNA, a critique of the government-run news agency. On November 24, he published an open letter from prison regarding harsh and inhumane conditions, as well as the poor treatment he and other journalists had received from presidential media adviser and IRNA chief Ali Javanfekr. At year's end Ghaderi remained in prison.

According to HRANA, on June 15, Branch 15 of the Revolutionary Court sentenced Mostafa Akhavan, a student at Tehran's aerospace university and member of the National Trust Party, to one year in prison for "action against national security" and "propaganda against the system" for his postings on Facebook, including news about the Green Movement and a call for an illegal gathering, an interview he conducted with foreign media, and for the antiregime content of his e-mails. Since Akhavan did not have a record, the prison sentence was suspended for five years.

There were developments in several cases from previous years. On June 15, Branch 28 of the Revolutionary Court in Tabriz sentenced Hanieh Farshi, arrested in her home in July 2010 in eastern Azerbaijan Province, to seven years in prison for blasphemy and "propaganda against the regime," based on Internet activities, including private e-mails. Her conviction was based upon a confession reportedly made while in solitary confinement and under physical and psychological torture. Authorities did not permit her lawyer to be present in court. At year's end she was thought to be in Evin Prison.

In December 2010 authorities released student blogger Navid Mohebbi from Sari Prison after a Revolutionary Court sentenced him to a three-year suspended sentence for membership in and support for the One Million Signatures campaign (see section 6, Women), "acting against national security," "propaganda against the state" through connection with foreign media, insulting the founder of the Islamic Republic, and insulting the supreme leader. Mohebbi's trial took place behind closed doors; not even his lawyer attended.

On June 9, an appeals court confirmed a 19-year prison term against blogger and dual Iranian-Canadian citizen Hossein Derakhshan; he was also banned from political or journalistic activities for five years. At year's end he reportedly remained in Evin Prison. Authorities arrested Derakhshan in 2008 while he was visiting the country and allegedly subjected him to psychological and physical abuse in detention, according to the HRAI.

Academic Freedom and Cultural Events.—The government significantly restricted academic freedom and the independence of higher education institutions. In March 2010 Minister of Science, Research, and Technology Kamran Daneshjoo stated that

only those who have proven commitment to Islam and the "rule of the jurisprudent" (velayat-e-faqih) can teach or study at universities. To be admitted to university, applicants had to pass "character tests" in which officials eliminated applicants critical of the government's ideology and gave advantages to Basij members. Authorities systematically targeted university campuses to suppress social and political activism, including banning independent student organizations, imprisoning student activists, purging faculty, depriving targeted students from enrolling or continuing their higher education based on political or religious affiliation or activism, and restricting social sciences and humanities curricula.

The 2010 restrictions placed on humanities programs in universities increased throughout the year, including the severe restrictions on social sciences education, and the barring of universities from opening new departments of law, philosophy, management, psychology, political science, women's studies, or human rights.

Authorities relied on university disciplinary committees to suspend, transfer, or expel enrolled students based on social and political activism, involvement in student publications, or participation in student associations. Student groups reported that a "star" system inaugurated by the government in 2005 to rank politically active students was still in use. Students deemed antigovernment through this system reportedly were prevented from registering for future terms. Repeated suspensions through this mechanism resulted in effectively denying the rights of targeted students to complete or continue their studies. Numerous student activists were expelled from their respective schools during the year for political activities, including nonviolent protest. Student activists reported increased crackdowns at universities, on both students and teachers, by security authorities in the wake of the February protests. During the year Ministry of Intelligence agents used threats, intimidation, and arrests to silence students who attempted to seek accountability and legal justification for their deprivation from higher education. For example, on March 2, the Shiraz University disciplinary committee suspended more than 200 students for a minimum of two semesters for participating in a commemoration of a classmate killed during the February protests.

Authorities continued to dismiss university professors in accordance with a 2006 presidential call for the removal of secular and liberal professors. To obtain tenure professors had to refrain from criticizing authorities. According to the ICHRI, university officials dismissed or forced the retirement of more than 50 university faculty members in 2010 for their affiliation with or support of the Green Movement. Universities across the country dismissed faculty throughout the year for their roles in the 2009 postelection protests and ties to political opposition. As a result university research was severely constrained. Professors must approach topics such as the situation of women, feminism, minority history, and societal ills—such as drug abuse or domestic violence—from the government-sanctioned "Islamic" perspective or risk punitive action, such as dismissal.

On May 29, according to IRNA, Minister of Science for Higher Education Kamran Daneshjoo stated, "[T]he dignity of humans is not an absolute freedom, but it is what one must do and must not do and if this is taken away, it will reach the absolute freedom that animals have. [I]f universities do not move in the right path, they will present scientists to society, but anti-Islamic scientists are definitely not needed in society."

According to the ICHRI, on January 21, the classes of Mohamed Sharif, a lawyer and legal professor for 25 years at Allameh Tabatabaee University, were cancelled unexpectedly. Sharif was formally dismissed in early April from his faculty position by the head of the university administration due to his representation of human rights activists, including other previously dimissed university professors, following the 2009 election protests.

In mid-March the Tehran University administration suspended Sajjad Rezaie, head of its Islamic Association and a member of its art faculty, from his teaching duties pending a ruling by the school's disciplinary committee. Rezaie had told the media that student Saneh Jaleh, who was shot and killed during the February 14 protests, was a member of Mousavi's presidential campaign, not a Basij member as had been reported (see section 1.a.).

The government strictly enforced laws relating to cultural events, and there was a significant increase in the number of artists, actors, and filmmakers detained during the year. The government banned some forms of music, including heavy metal, and maintained stringent controls on cinema and theater. In June 2010 the government announced a ban on music education in private schools, already banned in public schools, and in August 2010 the media reported that the supreme leader advised against the practice and teaching of music in general, although music continued in the media at year's end. The government continued to ban broadcasting of certain music genres and continued to crack down on concerts and underground

music groups, such as heavy metal or similar foreign music, considered religiously illegitimate.

On May 31, the regime censored the work of singer and composer Hossein Zaman, whose latest album, Prison, included political and social themes deemed unfit for distribution. The Ministry of Culture and Islamic Guidance also banned Zaman from holding concerts in the country.

As the main source of production funding, the government effectively censored domestic filmmaking. Producers were required to submit scripts and film proposals to government officials in advance of funding approval. Movies promoting secularism, feminism, unethical behavior, drug abuse, violence, or alcoholism were illegal, and some domestic directors were blacklisted (restricted and sanctioned). On December 11, the Ministry of Culture filed a lawsuit against the House of Cinema (IHC), the motion picture guild for the country, claiming that the IHC had made amendments to their charter that had not been approved by the government. On December 28, the Council of Public Culture declared the organization illegal. The IHC said that these were false charges; at year's end the trial had not begun.

On June 26, security agents arrested women's rights activist and documentary filmmaker Mahnaz Mohammadi in her home. Mohammadi directed the film Women without Shadows and other banned films and contributed to commentaries about the country's disputed 2009 presidential election. She was released on July 27 on one million toman ($1,000) bail.

On October 10, after being imprisoned for more than two months, actress Marzeih Vafamehr was sentenced to an additional year in prison and 90 lashes for her role in the now-banned movie My Tehran for Sale, which was critical of the regime and in which she was not wearing a headscarf. Shargh newspaper reported that she was released on October 26.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution permits assemblies and marches "provided they do not violate the principles of Islam." In practice the government restricted freedom of assembly and closely monitored gatherings to prevent antigovernment protests. Such gatherings included public entertainment and lectures, student and women's meetings and protests, labor protests, online gatherings and networking, funeral processions, and Friday prayer gatherings. According to activists, the government arbitrarily applied rules governing permits to assemble, with conservative groups rarely experiencing difficulty and groups viewed as critical of the government experiencing harassment regardless of whether a permit was issued.

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

Beginning February 8, security forces arrested more than 30 opposition activists in anticipation of planned demonstrations in solidarity with protesters in Egypt and Tunisia. Among those arrested according to opposition news outlets were Mohammed-Hossein Sharifzadegan, an official in former president Khatami's administration and Mousavi's brother-in-law; Taghi Rahmani, a member of the reformist Nationalist-Religious Movement; Yadollah Eslami, a former reformist Majlis member; Korough Ziam, a member of the proreform National Front; and Abdollah Naseri, a Khatami ally and member of the reformist Mojahedin of the Islamic Revolution. Authorities released Sharifzadegan, Eslami, and Zaim after more than a month in detention. Rahmani was freed on 150 million toman ($150,000) bail on September 21 but faced a ban on foreign travel. Authorities also released Naseri, but on October 27, he was sentenced to five years in prison on charges of "collusion" and "assembly" against the state.

Despite the arrests, nonviolent demonstrators protested in the streets of Tehran and other cities in February and March to show support for prodemocracy movements in neighboring countries and to protest the arrests and detention of opposition leaders. The Basij forces reacted violently and forcibly cracked down on the demonstrations, leading to hundreds of arrests and at least three deaths. In June security forces again intimidated and suppressed demonstrators, this time marking the two-year anniversary of the disputed 2009 presidential election. Multiple press accounts reported scenes of police chasing protesters with clubs, deploying tear gas, and making numerous arrests at a silent rally in Tehran.

In August and September authorities conducted mass arrests in the Azerbaijan region following demonstrations by environmental activists protesting the government's poor management of Lake Urmiya, the world's third-largest saltwater lake. Sources told HRW that authorities arrested approximately 300 demonstrators in Tabriz on August 27, following protests and clashes with police. On September 3, dozens of others were arrested in the region after local activists called for additional

demonstrations. At year's end there was no information regarding how many protesters had been released.

Freedom of Association.—The constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, as long as such groups do not violate the principles of "freedom, sovereignty, and national unity" or question Islam as the basis of the Islamic Republic. The government limited freedom of association in practice through threats, intimidation, imposing arbitrary requirements on organizations, and arresting group leaders and members.

On April 14, the Khabar Web site, affiliated with Majlis speaker Ali Larijani, reported that the Majlis Committee for Political Parties Affairs had requested that the prosecutor general of Tehran ban two reformist organizations, Mosharekat Front and Revolutionary Mojahedin, due to their involvement in the 2009 election protests. The heads of both organizations had been in custody since 2009.

At year's end Mohsen Barzegar remained in Evin Prison (see section 1.e., Political Prisoners and Detainees).

The government continued to exert significant pressure on members of the DHRC (see section 5).

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

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.www.state.gov/g/drl/irf/rpt

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. The government placed some restrictions on these rights. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq.

In-Country Movement.—Women faced difficulties traveling independently, especially in rural areas, where they faced significant official and unofficial harassment for traveling alone. Rural women's freedom of movement outside the home or village was particularly restricted, often requiring a male guardian's permission or a male chaperone.

Foreign Travel.—The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in demand and who were educated at government expense, had to post bond to obtain an exit permit. The government also restricted foreign travel of some religious leaders and members of religious minorities and scientists in sensitive fields. It also increasingly targeted journalists, academics, opposition politicians, and activists—including women's rights activists—for travel bans and passport confiscation during the year.

In January, for example, authorities banned Mohammad Baqer Qalibaf, the mayor of Tehran, from traveling to the United States to receive an award for advancing sustainable transportation. In March authorities banned former president Mohammad Khatami from traveling to Ireland to attend a political seminar.

A woman must have the permission of her husband, father, or other male relative to obtain a passport. A married woman must receive written permission from her husband before she leaves the country.

Exile.—The government did not use forced external exile, but many dissidents practiced self-imposed exile to be able to express their beliefs freely. In additon the government often placed prisoners in facilities far from their homes to prevent family visits; they called this placement "exile."

Protection of Refugees.—Access to Asylum.—The country's laws provide means for granting asylum or refugee status to qualified applicants. While the government reportedly had a system for providing protection to refugees, the UNHRC did not have any information as to how the country made asylum determinations.

Refugee Abuse.—According to reports, 30 provinces were partially or fully closed to refugees. Authorities generally required registered Afghan refugees in these "no-go areas" to choose either to relocate to refugee settlements, sometimes in other parts of the country, or to repatriate. In 2010-11 approximately 24,000 Afghans voluntarily repatriated; however, the vast majority said they were under pressure to return due to the government's no-go areas policy as well as from fear of the government. During the year the government executed dozens of undocumented Afghans, predominantly on drug-related charges and often without due process.

Employment.—Registered refugees were able to obtain permits to work in the country. According to the UNHRC, in June the authorities extended the validity of

Amayesh residency permits to one year and linked them to the issuance of work permits for Afghan refugees.

Access to Basic Services.—Registered refugees received free primary health care from the Ministry of Health with UNHRC support. In May the UNHRC launched a health insurance plan to help refugees maintain access to secondary and tertiary medical care as costs rise. Some asylum seekers did not have identification cards and were unable to benefit from basic government subsidies for food, health care, insurance, and housing. According to the UNHRC, in June authorities began re-registering Afghan refugees, extending the validity of their identification cards to one year. The government also identified vulnerable refugees to be granted exemptions from payment of municipality taxes and school tuition fees, which are normally obligatory without exceptions.

Stateless Persons.—Women cannot directly transmit citizenship to their children or to a noncitizen spouse. According to media reports, there were officially 30,000 female citizens married to Afghan men, although the unofficial number was likely much higher. As a result there were more than 32,000 children not recognized by the government and without identification cards, making them effectively stateless and barred from receiving government support, education, health care, or travel documents (see section 6, Children).

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

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

Elections and Political Participation.—Recent Elections.—In 2009 the country held a presidential election, which outside observers regarded as neither free nor fair. International observers were not allowed entry to monitor the election results. The Guardian Council approved only four of more than 450 prospective candidates, including 42 women and former officials. No women were approved to run as candidates. Authorities increased censorship and surveillance during the campaign, blocking cellular telephone signals and access to social networking and opposition Web sites. The government also harassed and arbitrarily arrested political activists, members of the country's religious and ethnic minority communities, students, trade unionists, and women's rights activists during the preelection period (see section 1.e., Political Prisoners and Detainees). Anecdotal evidence suggested that authorities forced some election observers representing opposition candidates to leave polling stations and that millions of unused paper ballots disappeared. Before all polls closed and ballot counting had commenced, government-controlled media announced that President Ahmadinejad had been reelected in the first round of elections, obtaining a majority of the votes. Contrary to the election law, Khamenei approved the election results before the Guardian Council certified the election and before the Interior Ministry announced the final results. Independent analysts studied election data and concluded there were a number of irregularities, including at least two provinces showing a turnout of more than 100 percent in some districts and the absence of longstanding regional variations in turnout, which appeared abnormal despite regulations that allow voters to use any polling station. On November 20, Ali Saeedi, the supreme leader's representative to the IRGC, reportedly stated that those who challenged the 2009 election results were "worthy of death" and that the IRGC and the Basij should not have "any hesitations" about crushing them.

Majlis elections were scheduled for March 2012. In preparation for the elections, the government increased actions and rhetoric against the opposition. In a January 5 press statement, the chief of the Guardian Council, Ayatollah Ahmad Jannati, stated that it was better for the opposition to "stay out of the political arena." He further stated on February 11 in a public address on the anniversary of the 1979 Islamic Revolution that the council "will not allow any unsavory individuals to obtain the smallest position in the country, regardless of their popularity."

Political Parties.—The constitution allows for the formation of political parties; however, the Interior Ministry granted licenses only to parties with ideological and

practical adherence to the system of government embodied in the constitution. There were more than 230 registered political organizations that generally operated without restriction or outside interference, but most were small entities, often focused around an individual, and did not have nationwide membership. Members of political parties and individuals with any political affiliation that the government deemed unacceptable faced harassment, violence, and sometimes imprisonment. Reformist university students and professors faced dismissal (see section 2.a., Academic Freedom and Cultural Events).

The government banned several opposition organizations and political parties during the year. For example, in March authorities banned the Assembly of Lecturers and Scholars of Qom Seminary, a clerical organization formed by supporters of former reformist president Mohammad Khatami. Also, on November 4, the election office banned three reformist political parties from participating in the March 2012 legislative elections. The Islamic Participation Front, Islamic Revolution Mujaheddin Organization, and Freedom Movement of Iran allegedly did not have the licenses required to run for the Majlis. The Islamic Participation Front and the Islamic Revolution Mujaheddin Organization were banned in September 2010 after they protested the controversial results from the 2009 presidential elections.

Security officials continued a campaign of harassment, intimidation, and arrests against members of the political opposition (see also section 1.e., Political Prisoners and Detainees). Many analysts indicated such tactics were carried out in an effort to further stifle dissent in advance of the anticipated March 2012 Majlis elections.

For example, on November 3, authorities arrested Mohammad Tavassoli, head of the political bureau of the Freedom Movement in connection with an October 15 letter to Mohammad Khatami, signed by 143 political activists, warning Khatami about their lack of hope for free or fair elections. Tavassoli, a former mayor of Tehran, was previously arrested after the disputed 2009 elections. Relatives told the ICHRI that authorities were pressuring Tavassoli's relatives not to talk to the media about him. At year's end he was being held incommunicado.

Former presidential candidates Mehdi Karroubi and Mir Hossein Mousavi were being held under de facto house arrest since 2009 (see section 1.d., Arbitrary Arrest and Detention).

Participation of Women and Minorities.—According to the Guardian Council's interpretation, the constitution barred women and persons of non-Iranian origin or religions other than Shia Islam from becoming president or from running in parliament. Women were also barred from serving as supreme leader; as members of the Assembly of Experts, Guardian Council, or Expediency Council (a body responsible for mediating between the Majlis and the Guardian Council and serving as a consultative council for the supreme leader); and as certain types of judges (see section 6, Women). On November 20, ISNA reported that Minou Kianirad was appointed the first female deputy governor of the central bank since the 1979 revolution. Four women served in the cabinet: the vice presidents for legal affairs and science and technology, the minister of health, and the head of the National Youth Organization. Eight women, in a total of 290 seats, served in the Majlis during the year.

Five Majlis seats were reserved for recognized religious minorities. Other ethnic minorities in the Majlis included Arabs and Kurds. There were no non-Muslims in the cabinet or on the Supreme Court.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and official corruption and impunity remained a serious and ubiquitous problem in all three branches of government. Many officials expected bribes for providing even routine service. Individuals routinely bribed officials to obtain permits for illegal construction.

According to Freedom House, the hardline clerical establishment grew wealthier through its control of "bonyads," tax-exempt foundations that monopolize many sectors of the economy, such as cement and sugar production. Bonyads receive benefits from the government but are not required to have their budgets publicly approved.

All government officials, including cabinet ministers and members of the Guardian Council, Expediency Council, and Assembly of Experts, were required to submit annual financial statements to the state inspectorate. There was no information available regarding whether these officials obeyed the law.

Numerous government agencies existed to fight corruption, including the Anticorruption Headquarters, Anticorruption Task Force, Committee to Fight Economic Corruption, and General Inspection Organization.

The IRGC operated numerous front companies that were engaged in illicit trade and business activities. The IRGC includes a construction arm (Khatam ol-Anbiya)

that had extensive economic operations and ties to the oil sector and benefited from corruption within that sector. The IRGC also had economic interests in the telecommunications, construction, and mining sectors and direct access to the country's foreign exchange reserves.

On July 31, Ahmad Ghaleh Bani, director of the National Iranian Oil Company and deputy oil minister, stated that Khatam ol-Anbiya had been awarded approximately 2.5 trillion toman ($2.5 billion) in contracts to develop the country's oil and gas sector since 2009 and that most of these contracts were awarded without bidding, according to numerous press accounts. On August 3, the Majlis approved President Ahmadinejad's choice, Rostam Qassemi, to be the new oil minister; he previously served as the head of Khatam ol-Anbiya. This appointment resulted in additional no-bid contract awards for Khatam ol-Anbiya.

The oil sector was embroiled in financial scandal throughout the year. In May opposition Web sites reported that on March 10, Khamenei decreed that all oil and gas contracts would be awarded by Petro Nahad, a new entity established within his office and not subject to parliamentary or regulatory oversight. All revenues would be deposited into an account belonging to that organization. Further, according to these reports, all administrative and financial decisions of Petro Nahad were to be controlled by a three-person board of directors, whose members included Khamenei's son, Mojtaba Khamenei, and Gholamali Haddad Adel, a member of the Expediency Council and Mojtaba's father-in-law.

On March 18, reformist publications reported the alleged disappearance of 124 billion toman ($124 million) in oil revenues from government foreign exchange reserves. According to reports, Majlis members formed a commission to investigate what had become of some 48 billion toman ($48 million) in missing oil revenues from the state-owned petroleum sector. Another 68 billion toman ($68 million) in receivables from foreign oil purchasers had disappeared as well, according to a member of the Majlis Energy Committee. There were no updates on the status of this investigation or any reports stemming from it by year's end.

The banking sector was also plagued by scandal and corruption during the year. In September the media uncovered the embezzlement of 2.6 trillion toman ($2.6 billion) during a two-year period by the financial conglomerate Amir Mansour Arya Investment Development Company, established in 2004 with $50,000 in capital. The owners of the organization obtained allegedly falsified letters of credit to obtain additional financing. The Arya Group was accused of using the loans to purchase assets of privatized state-owned enterprises.

On October 30, a member of the Majlis investigative commission read its report on the banking scandal in open session and sent it to the judiciary for prosecution of those found guilty of crimes. Although the report did not shed new light on the investigation, it suggested the deputy minister of economic affairs and the deputy head of the Central Bank were the two highest-level officials responsible for the affair and should either be fired or resign. On November 28, the chief prosecutor stated that more than 50 suspects had been indicted and that 40 companies had been found to harbor unreported debts and irregularities connected with the fraud. By year's end at least 48 people had been arrested in connection with the case, including the son of President Ahmadinejad's chief of staff and the deputy head of the Central Bank, Hamid Pourmohammadi. In addition, a deputy minister of finance and economy, Asghar Abolhassani Hastiani, was forced to resign; the chief executive officer of Bank Melli, Mahmoud Reza Khavari, resigned and fled to Canada; and the head of Bank Saderat, Mohammad Jahromi, resigned. Minister of Economy Shamsoddin Hosseini survived a Majlis impeachment vote on November 1.

On October 31, the Majlis Social Security Investigative Committee reported further financial violations. Chairman Soleiman Jafarzadeh said his committee had unearthed financial violations totaling one trillion toman ($1 billion) at 150 subsidiaries of the Social Security Investment Company, which managed the Social Security Investment Fund and the Civil Servants Pension Fund. At year's end no action had been taken on this report.

First Vice President Mohammad Reza Rahimi remained in his position, although an investigation into his alleged corruption continued.

There were no laws providing for public access to government information.

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

The government restricted the work of human rights groups and activists and often responded to their inquiries and reports with harassment, arrests, monitoring, unlawful raids, and closures (see also sections 1.d., 1.e., 2.a., 6, and 7). The government continued to deny the universality of human rights and stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

Hundreds of domestic NGOs focused on issues such as health and population, women's rights, development, disability, youth, environmental protection, human rights, minority rights, and sustainable development, despite the restrictive environment, including pressure not to accept foreign grants. Professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their respective fields, as well as harassment and intimidation against individual members of their professions. Under the law NGOs must register with the Interior Ministry and apply for permission to receive foreign grants. According to various sources, independent human rights groups and other NGOs faced intensifying harassment and threat of closure from government officials as a result of prolonged and often arbitrary delays in obtaining official registration.

During the year the government prevented human rights defenders, civil society activists, journalists, and scholars from traveling abroad (see section 2.d.). Human rights activists reported receiving intimidating phone calls and threats of blackmail from unidentified law enforcement and government officials. Government officials routinely harassed and sometimes arrested family members of human rights activists (see section 1.f.). Courts routinely applied suspended sentences to human rights activists; this form of sentencing acted as de facto probation, leaving open the option for authorities to suddenly and arbitrarily arrest or imprison individuals. This threat was sometimes enough to silence activists or pressure them into providing information about other activists.

The government continued to exert significant pressure on the DHRC, an NGO headed by Nobel Peace Prize laureate Shirin Ebadi, and systematically harassed, arrested, and prosecuted lawyers and others affiliated with the organization. According to media reports in November, at least 40 lawyers had been arrested and imprisoned since the 2009 postelection protests. For example, on March 14, according to an interview with the BBC Persian service, Branch 26 of the Revolutionary Court sentenced Abdolreza Tajik, a journalist who prepared reports for the DHRC, to five years in prison for his membership in the organization and an additional one-year prison term for "propaganda against the regime." At year's end he remained in prison. On July 3, according to various human rights groups, Branch 15 of the Revolutionary Court sentenced Mohammad-Ali Dadkhah, a DHRC member and an attorney for several political activists, to nine years in prison, a 10-year ban from practicing as an attorney or teaching at a university, and five lashes. The charges against him included "propaganda against the regime" and "distortion of members of the regime," as well as owning an illegal satellite dish. However, at year's end Dadkhah reportedly continued to practice law. On September 10, security forces arrested DHRC founding member Abdolfattah Soltani, and at year's end he remained in prison (see section 1.f.). On September 28, Branch 26 of the Revolutionary Court in Tehran sentenced Narges Mohammadi, the DHRC's executive chairperson, to 11 years in prison for "propaganda against the regime." At year's end she remained in prison.

Despite numerous appeals, including from the U.N., the government denied requests from all international human rights NGOs to establish offices in, or conduct regular investigative visits to, the country. The last visit by an international human rights NGO was AI's 2004 visit as part of the EU's human rights dialogue with the country.

U.N. and Other International Bodies.—The International Committee of the Red Cross and the UNHRC both operated in the country with some restrictions. The last visit by a U.N. human rights agency was in 2005. The government generally ignored recommendations these bodies made and failed to submit required reports to the UNHRC or the U.N. Committee on Economic, Social, and Cultural Rights. The government ignored repeated requests for visits by U.N. special rapporteurs.

In March the UNHRC adopted a resolution establishing a new special procedure country mandate, which established a human rights rapporteur for the country. On June 17, the UNHRC appointed Ahmed Shaheed as the special rapporteur to fulfill the mandate; he officially commenced on August 1. The government repeatedly denied Shaheed's requests to visit the country, preventing him from traveling to the country during the year. Iranian officials denounced his report as "one-sided," outdated, and speculative, and they ignored his repeated calls for cooperation and access. The government undertook a media campaign during the year to undermine the mandate of the special rapporteur, including a Web site mimicking the women's rights-focused One Million Signatures campaign but actually advocating opposition to the special rapporteur. The government also publicly criticized the report and the special rapporteur in the media frequently, along with the September report of the U.N. secretary-general condemning the depth and breadth of human rights abuses in the country.

On December 19, for the ninth consecutive year, the U.N. General Assembly adopted a resolution expressing concern about the country's "serious ongoing and recurring human rights violations."

Government Human Rights Bodies.—The governmental High Council for Human Rights was headed by Mohammad Javad Larijani, the brother of Ali Larijani, speaker of the parliament, and Sadeq Larijani, head of the judiciary. The High Council is not an independent body; it is part of the judiciary. Larijani, a former Majlis member, was also an adviser to the supreme leader. The High Council in practice defended court rulings regarding imprisoned human rights activists, defenders, and opposition leaders throughout the year, despite domestic and international pressure. It did not establish any independent inquiries into 2009 postelection protest violence, and there was no instance of it challenging any laws or court rulings during the year. During the year Larijani defended the arrest and imprisonment of several high-profile human rights defenders, including Abdolfattah Soltani, and the house arrest of opposition leaders Mousavi and Karroubi at the U.N. and in media interviews on numerous occasions.

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

Although the constitution formally prohibits discrimination based on race, gender, disability, language, and social status "in conformity with Islamic criteria," the government did not effectively enforce these prohibitions. The government increased gender segregation and discrimination against women throughout the year.

Women.—Rape and Domestic Violence.—Rape is illegal and subject to strict penalties including execution, but it remained a problem, and the government did not enforce the law effectively. There were reports of government forces raping individuals in custody (see sections 1.a. and 1.c.). Sex within marriage is considered to be consensual by definition, and therefore spousal rape is not illegal. Cases of rape were difficult to document due to social stigma against the victims. Most rape victims did not report the crime to authorities because they feared punishment for having been raped, as they could be charged with adultery for being in the presence of an unrelated male while unaccompanied, indecency, or immoral behavior. They also feared societal reprisal such as ostracism. According to the penal code, rape is a capital offense, and four Muslim male witnesses or a combination of three male and two female witnesses to the rape itself are required for conviction. The stringent witness requirement was also a possible reason for low reporting of rape to authorities. A woman or man found making a false accusation of rape is subject to 80 lashes.

According to the BBC, during the year there were several high-profile gang rapes. In one case, near the city of Isfahan, more than a dozen armed men reportedly entered a small private party, locked the men in a room, and took the women to an adjacent property and raped them at knifepoint. Four attackers were later arrested, but the town's police commander reportedly stated, "I believe the raped women's families are to blame, because if they had proper clothing and if the sound of their music was not so loud, the rapists would not have imagined it as a depraved get-together." Reports indicated the victims may have faced legal action. At year's end there was no public information on whether charges had been filed against the alleged attackers.

The law does not specifically prohibit domestic violence. Spousal abuse and violence against women was common. On November 4, the UNHRC issued a statement condemning the lack of laws protecting women from domestic violence as well as the lack of investigation, prosecution, and punishment of perpetrators of domestic violence. The Census Bureau, an official government agency, has precluded international organizations from performing studies of domestic violence in the country and has never conducted its own study of violence against women.

The director of the Iranian National Social Emergency Unit, physician Majid Arjomandi, told Pupils Association News Agency on November 1 that there were approximately 8,000 domestic violence cases reported to his organization. According to a University of Tehran study published on June 15, a woman is physically abused every nine seconds in the country, and an estimated three to four million women are battered each year by their husbands. One of every two marriages had at least one instance of domestic violence. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude, particularly by the One Million Signatures campaign. Some nongovernmental shelters and hotlines assisted victims during the year.

Harmful Traditional Practices.—According to the law, if a father or paternal grandfather kills his child or grandchild, he will not be convicted and punished for murder. The law also permits a man to kill his adulterous wife and her consorts

if he is certain she consented. Women convicted of adultery may also be sentenced to death, including by stoning. There were no official reports of honor killings during the year, although human rights activists stated that they often occurred out of the public eye. There were also no reports of women being stoned for adultery, although there were women imprisoned for adultery during the year.

Sexual Harassment.—There are laws addressing sexual harassment in the context of physical contact between men and women; however, these laws are not victim-oriented and are biased against women. Physical contact between unrelated men and women is strictly prohibited and is punishable by lashing. There was a lack of reliable data on the prevalence of sexual harassment in the country. Media reports indicated that unwanted physical contact and verbal harassment occurred. Government officials, however, often blamed women's sexuality for problems in society. For example, in April 2010 cleric Kazem Sadighi stated, "Many of the ladies who do not have a proper appearance cause the hearts of the youth to be swayed and they become defiled by sin, and this leads to the spread of adultery in society, which increases earthquakes."

Reproductive Rights.—The law recognizes the basic right of married couples to decide freely and responsibly the spacing and timing of their first three children and have the information and means to do so free from discrimination, coercion, and violence. According to the law, health and maternity benefits are cut for the family after three children. There were no restrictions on the right of married persons to access contraceptives. It is illegal for a single woman to access contraception, although in practice women had access, particularly in urban areas. Couples who plan to marry must take a class in family planning. Men and women received equal access to diagnosis and treatment of sexually transmitted infections, including HIV. However, women requested testing less regularly than men, likely because of social stigma attached to doing so.

Discrimination.—The constitution nominally provides women with equal protection under the law and all human, political, economic, social, and cultural rights in conformity with Islam; however, provisions in the Islamic civil and penal codes—based on Sharia—particularly sections dealing with family and property law, discriminate against women. Societal discrimination also restricted women's economic, social, and cultural rights. The governmental Center for Women and Family continued to publish reports on feminism with a very religious conservative slant and limited the debate on women's issues to matters related to the home. Ideas contrary to the government or to its interpretation of Islam were not raised by the center.

Women cannot directly transmit citizenship to their children or to a noncitizen spouse (see section 6, Children). According to media reports, there were officially 30,000 female citizens married to Afghan men, although the unofficial number was likely much higher (see section 2.d., Stateless Persons).

The government does not recognize marriages between Muslim women and non-Muslim men, irrespective of their citizenship.

The law states that a virgin woman or girl wishing to wed needs the consent of her father or grandfather or the court's permission, even if she is older than 18.

The law permits a man to have as many as four wives and an unlimited number of "sigheh," based on a Shia custom in which a woman may become the wife of a Muslim man after a simple religious ceremony and a civil contract outlining the union's conditions. Sigheh wives and any resulting children are not granted rights associated with traditional marriage.

A woman has the right to divorce only if her husband signs a contract granting that right, cannot provide for his family, or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. Traditional interpretations of Islamic law recognize a divorced woman's right to part of shared property and to alimony. These laws were not enforced. On June 21, the Supreme Court voted in favor of a law allowing women to withhold sex from their husbands if the husbands refuse to pay alimony. (Under the law alimony can be requested during the marriage as well as after a divorce.) According to ISNA, if the alimony is not paid, the wife can "reject all legal and religious obligations" to her husband. If the alimony is not paid after the divorce, the woman can sue her ex-husband in court. Despite this new ruling, the ability of a woman to seek divorce was still extremely limited in practice.

The law provides divorced women preference in custody for children up to age seven; divorced women who remarry must give the child's father custody. After the child reaches age seven, the father is entitled to custody (unless the father has been proven unfit to care for the child). The court determines custody in disputed cases.

Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences (see sections 1.a. and 1.e., Trial Procedures). The

testimony of two women is equal to that of one man. The blood money paid to the family of a female crime victim is half the sum paid for a man.

Women had access to primary and advanced education, and approximately 65 percent of university students were women. Government officials acknowledged the use of quotas to limit women's university admissions in certain fields such as medicine and engineering.

Social and legal constraints limited women's professional opportunities. Women were represented in many fields, including the legislature, municipal councils, police, and firefighters, but a woman must seek her husband's consent before working outside the home. Despite the high prevalence of women in universities, the unemployment rate for women was nearly triple that of their male counterparts. According to the World Economic Forum's 2011 report on the global gender gap, women in the country earned on average two-thirds of a man's salary for the same job. One Majlis member suggested that banning women from the workplace could solve the country's unemployment problems. Women cannot serve in many high-level political positions or as judges except as consultant or research judges without the power to impose sentences.

Women faced discrimination in home and property ownership, as well as access to financing. On September 14, a major contruction development company, Mehr Housing, began refusing to allow women to buy property, requiring their husbands' name to be on the deed and mortgage.

The government enforced gender segregation in most public spaces, including for patients during medical care, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances. In a sermon honoring Fatemeh Zahra, daughter of the Prophet Mohammad, on May 5, grand ayatollah and Shiite legal authority Safi Golpaygani stated, "In the optimal situation, a woman will not see any other man except her husband." He added that such contact is "most unfortunate" and that the mingling of women and men is so prevalent that it leads to mental illness and moral corruption.

On July 3, Greater Tehran Law Enforcement Forces commander Hossein Sajedinia announced that, from July 11, women would not be allowed into coffee houses that provide water pipes. He stated the new measure had been decided "after repeated requests from the people, particularly families." Enforcement of morality laws became stricter after new "morality patrols" were deployed on June 15. Sajedinia threatened coffee house owners with prosecution if they did not adhere to the new code. On October 26, the Skating Federation announced that the country's roller skating tracks would be gender segregated and that female skaters who disregarded Islamic dress codes would be disciplined by authorities. On November 1, according to Shahrzad News, the Health Ministry relaunched an initiative to gender-segregate hospitals. According to the deputy health minister for patient care, Hasan Emami Razavi, "Every province will have a major general hospital for women only . . . [T]he one problem we have is that there are not enough women to drive the emergency ambulances." On November 14, police issued a directive banning women from skiing unaccompanied. Under the new measure, girls under 18 must be on the ski slopes with a parent, and those over 18 must be accompanied by their husbands.

For the first time, boys and girls had to sit in separate classrooms at universities when the new school year began in October. Majlis member Ali Karimi-Firouzjai, a member of the Majlis Education and Research Committee, stated: "The higher education minister has announced that some universities will hold separate courses for males and females in the new academic year. The grand ayatollahs and the families have warned against any contact between students of opposite sexes."

The penal code provides that a woman who appears in public without an appropriate hijab can be sentenced to lashings and fined. However, absent a clear legal definition of "appropriate hijab" or the punishment, women were subject to the opinions of disciplinary forces or judges. Pictures of uncovered or "immodestly" dressed women in the media or in films were often digitally altered.

According to the U.N. secretary-general's report on the situation of human rights in the country, on May 9, the commander of the morality police forces disclosed that thousands of morality personnel had been deployed across the country to implement the moral security plan. On June 10, Ahmadreza Radan, deputy commander of the police force, announced that June 15 would usher in a new drive against un-Islamic female dress. Radan's plan was expected to crack down harder on inappropriate public dress and dole out harder punishments for women that did not comply. According to the new rules, women who fail to comply with the harsher dress code standards will be imprisoned between 10 days to two months. Under these rules fe-

male students are banned from wearing bright clothes, having long nails or tattoos, wearing caps or hats without scarves, and wearing tight jeans or shorts.

The government continued its intense crackdown against members of the OMSC, which activists launched in 2006 to promote women's rights, particularly by advocating reform of discriminatory laws. Several OMSC members remained under suspended prison sentences and travel bans, were in prison, or were in self-imposed exile at year's end. For example, on May 11, security forces from the Intelligence Ministry arrested Mayram Bahreman, a civil society activist involved in the defense of women's rights. Bahreman had been active in the OMSC in Shiraz. She was arrested along with Mahoubeh Karami (see below).

There were developments in several cases from previous years. In February, according to the Observatory for the Protection of Human Rights Defenders, Branch 54 of the Appeal Court of Tehran sentenced Mahoubeh Karami to three years' imprisonment on charges of "membership in a human rights activists association" and "propaganda against the regime." On May 15, after being rearrested, she entered Evin Prison, where she remained at year's end.

In March 2010, according to the RAHANA, Branch 15 of the Revolutionary Court acquitted Khadijeh Moghaddam on two counts of "propaganda activity against the regime" and disobeying police orders but sentenced her to a one-year suspended prison term for assembly and conspiracy with intent to act against national security. On December 18, she received a human rights award from the city of Bochum, Germany, for her work as a women's rights activist and member of Mothers of Laleh Park, Mothers for Peace, and the OMSC. At year's end Moghaddam was living in exile in Germany. In 2009 security forces detained Moghaddam for approximately one month with 11 other members from the OMSC and the NGO Mothers for Peace, including Mahboubeh Karami and Maryam Bahreman, as the group met to make traditional Nowruz (New Year) visits to families of several political prisoners. The ICHRI suggested that security and intelligence forces eavesdropped on the activists' private communications to apprehend them. Bahreman was arrested May 11 and released on 250 million toman ($250,000) bail September 15. Karami was arrested in March 2010 and detained for 170 days. On February 11, Karami was sentenced to three years in prison by Branch 54 of the appellate court of the Revolutionary Courts by Judge Movahed. Karami was charged with membership in a human rights organization, spreading of "propaganda against the regime," and gathering and colluding with the "intent of harming national security." She was arrested on May 15 to begin serving her three-year sentence. She was reportedly in poor health in Evin Prison and at risk of falling into a coma from her untreated anemia.

Children.—Birth Registration.—Citizenship is derived from a child's father, regardless of the child's country of birth. In general, birth within the country's borders does not confer citizenship except when a child is born to unknown parents; when both parents are noncitizens, but at least one parent was born in the country; or when a child born to noncitizens continues to reside in the country for at least one year after age 18. The birth registration law requires that all births be registered within 15 days. According to UNICEF, 13 percent of births were not reported in 2005; more recent statistics available were not available.

Education.—Although primary schooling up to age 11 is free and compulsory for all, the media and other sources reported lower enrollment in rural areas for girls than for boys. This gender disparity is largely due to cultural differences from the urban centers, lower education among the parents, and stronger religious influence. More than 25 percent of refugee children of primary school age were not enrolled in school either due to the lack of identification cards or available places in schools (see section 2.d., Protection of Refugees and Stateless Persons).

Child Abuse.—There was little information available to reflect how the government dealt with child abuse. Abuse was largely regarded as a private family matter. According to ISNA, more than 7,000 cases of child abuse were officially reported during the year. On December 13, the managing director of the Office for Protection of Vulnerable Citizens stated that his office received calls from more than 215,000 persons during the year, of which approximately 93,000 were calls directly from victims and an additional 47,000 were by medical professionals who treated emergency cases. In May 2010 the government announced that approximately 150,000 cases of child abuse had been recorded in the six months prior. A prominent attorney noted that the government did little to address the problem.

Child Marriage.—The law requires court approval for the marriage of girls younger than 13 and boys younger than 15, but it was reportedly not unusual in rural areas for parents to have their children marry before they became teenagers, often for economic reasons. The age of criminal responsibility for girls is nine years, while the law does not consider boys criminally responsible until age 15. For example, if

a 12-year-old girl accused a 14-year-old boy of rape, the 12-year-old girl would face any criminal penalties alone. Sex outside of marriage is illegal and is punishable by death, although the media reported that the common punishment was imprisonment and lashing. In December the director general of the Census Bureau in Hormozgan announced that there had been five marriages of girls under age 10 in his province. The government did not investigate these cases or begin any prevention campaigns, as these marriages were not considered illegal.

Sexual Exploitation of Children.—Sex is considered consensual if it is within the confines of marriage. As such, the age requirements for marriage apply to consensual sex. The law prohibits all forms of pornography, including child pornography.

Children were trafficked within the country for commercial sexual exploitation, sometimes through forced marriages in which girls' new "husbands" forced them into prostitution and involuntary servitude as beggars or laborers to pay debts, provide income, or support drug addiction of their families. The government did not report any law enforcement efforts during the year to punish trafficking offenders and continued to lack any victim protection measures. Foreign victims of trafficking are, by government policy, detained and deported; citizens are either jailed or turned away by the police when they attempt to seek protection. The government made no discernible efforts to address the widespread government corruption that facilitated trafficking.

Child Soldiers.—According to a March 12 article in The Guardian, human rights activists including the ICHRI reported that the government deployed child soldiers between the ages of 12 and 16 to attack opposition demonstrators beginning on March 1. The youths, whose accents led witnesses to say they had been shipped into Tehran from rural areas, were armed with clubs, batons, and air guns.

Displaced Children.—There were reportedly significant numbers of children working as street vendors in Tehran and other cities and not attending school. International media sources reported there were as many as 250,000 street children in the country.

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

Anti-Semitism.—The government's anti-Israel stance, in particular the president's repeated speeches decrying the existence of Israel and calling for the destruction of its "Zionist regime," created a threatening atmosphere for the 25,000-person Jewish community. For instance, during the fifth annual "Conference in Support of the Palestinian Intifada," the president echoed his previous comment that Israel was a "cancerous tumor" that was impacting the entire world. On October 1, alongside the start of this conference, Khamenei announced the publication of his new book in which he states, "Israel is a country with no origin or provenance—a fake country, a false nation.Wherever evil Jews existed, they were gathered together [and sent] there to [Palestine]." Government officials continued to make anti-Semitic statements, organize events designed to deny the Holocaust, and sanction anti-Semitic propaganda. The government also limited distribution of nonreligious Hebrew texts and required Jewish schools to remain open on the Jewish Sabbath.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law generally prohibits discrimination against persons with disabilities by government actors, with some notable exceptions. For example, the laws did not apply to private actors, and the electoral laws prohibit blind and deaf individuals from running for parliament. While the law provides for state-funded vocational education for persons with disabilities, according to domestic news reports, vocational centers were confined to urban areas and unable to meet the needs of the entire population. There are laws ensuring public accessibility concerning government-funded buildings, and new structures appeared to have high-level access for physically disabled individuals. There also were efforts to increase accessibility of historical sites. However, government buildings themselves remained largely inaccessible, and general building accessibility for persons with disabilities remained a widespread problem. There was limited access to information, education, and community activities by persons with disabilities in the country.

With respect to the prohibition of blind and deaf individuals running for the Majlis, the Shahrzad News reported on November 14 that 67 Majlis members requested permission to bring a floor debate on the issue, but their motion was denied.

The Welfare Organization of Iran is the principle governmental agency charged with protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The constitution grants equal rights to all ethnic minorities and allows for minority languages to be used in the media and in schools. In practice minorities did not enjoy equal rights, and the government consistently denied their right to use their language in school. The government disproportionately targeted minority groups, including Kurds, Arabs, Azeris, and Baluchis, for arbitrary arrest, prolonged detention, and physical abuse (see also section 1.e., Political Prisoners and Detainees). These groups reported political and economic discrimination, particularly in their access to economic aid, business licenses, university admissions, permission to publish books, and housing and land rights. The government blamed foreign entities, including a number of governments, for instigating some of the ethnic unrest.

There are between five and 11 million ethnic Kurds in the country, who have frequently campaigned for greater regional autonomy. There were two terrorist organizations inside the Kurdish province; however, they did not represent the majority of the Kurdish population. Nevertheless, the government persecuted the entire minority for criminal acts sponsored by the two organizations. According to a 2009 HRW report, the government used security laws, media laws, and other legislation to arrest and persecute Kurds solely for exercising their right to freedom of expression and association. The government reportedly banned Kurdish-language newspapers, journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies. Although the Kurdish language is not banned, schools did not teach it. Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing spurious charges of security offenses against individuals working with such organizations. Kurds were not allowed to register certain names for their children in official registries.

There were several instances of Kurdish activists sentenced for political crimes during the year. For example, on January 31, the Revolutionary Court in Kermanshah sentenced Kaveh Ghassemi Kermanshahi, a journalist and human rights activist, to five years in prison. Kermanshahi was an executive member of the Kurdistan Human Rights Organization and the OMSC. He was also a member of the student organization Daftar Tahkim Vahdat. The court charged Kermanshahi with "acting against national security" and "propaganda against the regime." His lawyer described his long sentence as "unprecedented."

In mid-June the Saqqez Revolutionary Court, in Kurdistan Province, found Mohammad Moniri, a Kurdish teacher, guilty on charges of cooperating with opposition groups and propaganda against the regime. The court originally sentenced Moniri to five years in prison, but his sentence was reduced to six months. Moniri entered prison on June 19.

Foreign representatives of the Ahvazi Arabs of Khuzestan claimed their community of two to four million in the country's southwest encountered oppression and discrimination, including torture and mistreatment of Ahvazi Arab activists and the lack of freedom to study and speak Arabic.

On April 15, authorities violently oppressed a protest organized by ethnic Arabs in the Khuzestan region. Security forces reportedly fired live rounds into the crowd. It was estimated that a dozen demonstrators were killed and scores more injured. The RSF reported that authorities arrested up to 97 protesters. The demonstrators were commemorating the sixth anniversary of a 2005 demonstration that security forces violently suppressed. The government insisted that the report was fabricated. On the same day, a representative from the Ahvazi Organization for the Defense of Human Rights, based in London, told HRW that, since April 15, security forces had "killed 48 innocent protesters, injured tens, and arrested hundreds of Ahvazis." On April 18, Nobel Peace Prize laureate Shirin Ebadi wrote a letter about the incident to the U.N. high commissioner for human rights. According to Ebadi, hundreds of people in the city of Ahvaz had gathered for a peaceful demonstration against the government's discrimination towards its Sunni minority. The country's semiofficial news agency Fars reported that only one person had been killed during the protests.

On May 11, according to an official report from the Khuzestan district attorney, seven young Arabs had been executed in the preceeding days in the town of Ahvaz. However, posts on Facebook reported that nine young Arab activists from Ahvaz had been executed. Official sources claimed that those executed were criminals dealing in drugs, although such claims often were leveled as justification to execute political activists from the Arab minority. The Arab minority in Ahvaz asked for the intervention of global human rights organizations.

Ethnic Azeris comprised approximately one-quarter of the country's population, were well integrated into government and society, and included the supreme leader

among their numbers. Nonetheless, Azeris complained that the government discriminated against them, banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. Azeri groups also claimed a number of Azeri political prisoners had been jailed for advocating cultural and language rights for Azeris. The government charged several of them with "revolting against the Islamic state."

According to the ICHRI, during the six-month period from March 21 to September 21, more than 320 cultural, political, women's rights, and human rights activists were arrested in the Azeri provinces. Most of these arrests concerned the protests about the drying out of Lake Urmiya, one of the largest saltwater lakes in the world. According to international media reports, protesters, who claimed that the government did not act to save the lake partly due to its location in the minority Azeri province, chanted, "Long live Azerbaijan," and "Urmiya is thirsty / Azerbaijan must rise up, otherwise it will lose." As a result of these arrests, Azeri activists were beaten, flogged, tortured, fined, and expelled from university.

Iran Green Voice announced that in late May that a Revolutionary Court sentenced seven Azeri activists—Yunes Soleymani, Mahmmud Fazli, Naim Ahmmadi, Aydin Khajehei, Sharam Radmehr, Yashar Karimi, and Hamideh Frajazade—to six months in prison for membership in the Azeri Party's Central Committee. A six-month suspended sentence was given to activists Alireza Abdollahi, Behbud Gholizade, and Akbar Azad, for a five-year probation period. Another activist, Hassan Rahimi, was cleared on all counts after being held in solitary confinement for four months.

Local and international human rights groups alleged serious economic, legal, and cultural discrimination against the Baluch minority during the year. Baluch journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials, often ending in execution.

On June 6, a revolutionary court in Baluchistan Province sentenced Sakhi Rigi to 20 years in prison on charges of "acting against national security" and "propaganda against the regime," based on his blogging and other Internet activities relating to the government's discriminatory treatment of the Baluch community.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizes consensual same-sex sexual activity. A man can be put to death for same-sex sexual acts if he is of legal age, of sound mind, and engaged of his own free will. The Special Protection Division, a volunteer unit of the judiciary, monitored and reported on "moral crimes," including same-sex sexual acts. According to a December 2010 HRW report, security forces used discriminatory laws to harass, arrest, and detain individuals they suspected of being gay. In some cases security forces raided houses and monitored Internet sites for information on LGBT individuals. Those accused of sodomy often faced summary trials, and evidentiary standards were not always met. The punishment of a non-Muslim gay man or lesbian was harsher if the gay man or lesbian's partner was Muslim. Punishment for same-sex sexual activity between men was more severe than for such conduct between women.

During the year there was an increase in the frequency of charges of homosexuality against individuals on death row or those executed. However, because such persons were generally convicted on a number of different charges and because of the lack of due process, it was unclear in most cases whether such charges of homosexuality were the basis for the executions.

On September 4, authorities at Karoun prison in Ahvaz Province executed by hanging three individuals convicted of sodomy. While the circumstances of the case remained unclear at year's end, the fact that they were executed on sodomy charges alone, and not sodomy by coercion or rape, which was normally how sodomy was charged, was significant. It was also the first case in many years in which the only declared charge was sodomy and not combined with other criminal acts, such as rape and armed robbery or national security crimes.

ICAS reported that two young men, Ayub and Mosleh, ages 20 and 21, were in danger of execution by stoning in the city of Piranshahr in the province of Kurdistan. The group said the men filmed themselves engaging in same-sex sexual activity in a video that included pictures of President Ahmadinejad and that government officials discovered that video. Their whereabouts at the end of the year remained unknown.

According to a June 10 IHRDC report, in 2007 authorities in Isfahan arrested Matin Yar (a pseudonym) at age 19, along with several of his friends, for homosexual activity. Yar described officials repeatedly beating and torturing him during his detention, including hanging him upside down on a metal rod and using batons, whips, and electric shock. Yar stated his nose and ribs were broken as a result of the beatings. During a second period of detention, Yar said he was subjected to

mock executions at Isfahan on three or four different occasions. After sentencing, Yar was sent to Dastgerd Prison, where he claimed prison authorities raped him several times.

The government censored all materials related to LGBT issues. In September President Ahmadinejad called same-sex sexual activity a "despicable act.that is dirty and harmful to humanity." In January he was quoted as stating, "Homosexuality means the divorce of humanity from its integrity." During his official response to the UNHRC, President Ahmadinejad categorically refused to answer all six questions regarding the LGBT situation in his country, stating only that the LGBT issue is "beyond the mandate of the International Covenant on Civil and Political Rights." The supreme leader referred to same-sex sexual conduct as a "shameful act."

The law defines transgender persons as mentally ill, encouraging them to seek medical help in the form of gender-reassignment surgery. The government provided grants of as much as 4.5 million toman ($4,500) and loans of as much as 5.5 million toman ($5,500) for transgender persons willing to undergo gender reassignment surgery. Human rights activists and NGOs reported that some members of the gay and bisexual community were pressured to undergo gender reassignment surgery to avoid legal and social consequences in the country.

The size of the LGBT community was unknown, as many individuals feared identifying themselves. There were active LGBT NGOs in the country, but most activities to support the LGBT community took place outside the country. According to a HRW report, family members threatened and abused many young gay men, who also faced harassment from religious scholars, schools, and community elders. Some persons were expelled from university for allegations of same-sex sexual activity. The HRW report also alleged that Basij forces attempted to entrap or arrest persons engaged in same-sex sexual conduct.

Other Societal Violence or Discrimination.—Persons with HIV/AIDS reportedly faced discrimination in schools and workplaces.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution provides for freedom of association, but neither the constitution nor the labor code guarantee trade union rights. The labor code states workers may establish an Islamic labor council or a guild at any workplace, but the rights and responsibilities of these organizations fall significantly short of international standards for trade unions. In workplaces where an Islamic labor council has been established, no other form of worker representation is permitted. The law requires prior authorization for organizing and concluding collective agreements, and it does not provide for the right to strike. Strikes are prohibited in the public sector. Private sector workers may conduct "peaceful" campaigns within the workplace. The labor code does not apply to establishments with fewer than five employees.

Freedom of association and the right to collective bargaining were not respected in practice. The government severely restricted freedom of association and interfered in worker attempts to organize. The government and the judiciary imprisoned and aimed to silence labor activists.

The Interior Ministry, Ministry of Labor, and Islamic Information Organization determined labor councils' constitutions, operational rules, and election procedures. Workers' House remained the only officially authorized national labor organization; it served primarily as a conduit for government control over workers. The leadership of Workers' House oversaw and coordinated activities with Islamic labor councils in industrial, agricultural, and service organizations comprising more than 35 employees. During the year the government pressured workers to join the government-sponsored councils. According to the ICHRI, the labor councils, which consisted of representatives of workers and a representative of management, were essentially management-run unions that undermined workers' efforts to maintain independent unions. However, the councils were able to block layoffs and dismissals. Human rights organizations reported employers routinely fired labor activists for trade union activities. There was no representative workers' organization for workers who are noncitizens.

According to international media reports, security forces continued to respond with arbitrary arrests and violence to workers' attempts to organize or conduct strikes. Strikes and worker protests often prompted a heavy police response, and security forces routinely monitored major worksites. On February 7, taxi drivers in the northern city of Babol went on strike to protest low fares set by the government. Although security and intelligence forces appeared at the protest site, the workers persisted with their strike. At the end of the four-hour protest, the ICHRI reported that police temporarily detained and interrogated a number of workers.

On June 10, AI released a detailed report that underscored the harsh treatment of independent trade union activists speaking out against the oppression of trade unions in the country. On October 17, the Iranian Independent Workers Union announced that security forces arrested Ayat Niafar, the spokesperson for the Follow-up Committee to Form Workers Organizations, also known as the Committee to Pursue the Establishment of Trade Unions, at a metro stop in Tehran and took him to Evin Prison, where he remained at year's end.

There were developments in several cases from previous years. According to Education International, of which the Iranian Teachers Trade Association (ITTA) is an affiliate, and other sources, government authorities prevented the ITTA from holding meetings and continued to harass and detain its members. On January 12, a court confirmed the six-year sentence of ITTA board member Rasoul Bodaghi for "assembly and conspiracy with the intent of committing national security crimes and antiregime propaganda." On May 22, Bodaghi and several other political prisoners began a hunger strike to protest their treatment. Five days after he began the hunger strike, he was transferred to solitary confinement. At year's end he remained in prison.

In April a revolutionary court summoned several members of the ITTA for questioning. The head of the Mashad branch, Hashem Khastar, was not released at the end of his two-year prison term for union activities. Instead, as his family and friends waited for him at the prison gates on July 26, they learned that authorities had brought him back to court and tried him on the new charge of "creating public anxiety," according to the ICHRI. Many of the association's leaders and prominent members—including secretaries general Alireza Hashemi and Ali Akbar Baghani, Tehran spokesperson Mahmoud Beheshti-Langaroudi, Tehran branch member Mahmoud Bagheri, and Kurdistan branch member Mokhtar Asadi—remained in prison during the year on charges of "propaganda against the regime" for activities they had planned on International Workers' Day in May 2010. All of the imprisoned spent time in solitary confinement. They were awaiting a court hearing at year's end.

On June 2, authorities released bus-driver syndicate leader Mansour Ossanloo on a prison furlough, which was extended. At year's end he remained out on furlough and could be called back to jail at any time. He was originally sentenced in 2007 for trade union activities. According to international media, several other transportation unionists remained in prison for trade union activities, including Mansour Ossanloo's brother, Afshin Ossanloo, who was arrested by plainclothes officers in January at Tehran's southern bus terminal, and Reza Shahabi. Shahabi went on hunger strike several times during the year and was hospitalized more than once. Another bus syndicate leader, Ebrahim Mahadi, had been imprisoned since 2008 but was freed December 1 only to be rearrested and sent back to prison on December 7.

On November 12, Ali Nejati, a board member of the Haft Tapeh Sugar Cane Workers' Syndicate, began a one-year sentence in Dezful prison for his trade union activities. He had already served six months in 2010 on the same charges and had been dismissed from work.

b. Prohibition of Forced or Compulsory Labor.—The labor code prohibits all forms of forced or compulsory labor. However, such practices occurred in the construction and agricultural sectors, primarily among Afghan adult males. Family members and others forced children to work.

See also the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of minors younger than 15 and places restrictions on employment of minors younger than 18, such as prohibitions on hard labor or night work; however, the law permits children to work in agriculture, domestic service, and some small businesses from the age of 12. The government did not adequately monitor or enforce laws pertaining to child labor, and child labor was a serious problem.

According to government sources, 600,000 children worked in the country during the year. Approximately 360,000 children between the ages of 10 and 14 worked full time and another 380,000 children worked in seasonal employment. Family poverty, insufficient economic growth, and uneven distribution of wealth were the sources of the problem, according to government news reports. There were reportedly significant numbers of children—primarily Afghan, but also Iranian—working as street vendors in major urban areas. Traffickers also exploited children for involuntary servitude as beggars and laborers.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—In March the government increased the minimum wage to 303,048 toman (approximately $303) per month. According to a May report, the nationwide average income level below which a family with 3.7 members was considered to be living in poverty was 653,000 toman ($653) a month. In Tehran the poverty income level was 813,000 toman ($813) a month.

The law establishes a maximum six-day, 48-hour workweek with a weekly rest day (normally Friday), at least 12 days of paid annual leave, and several paid public holidays. Any hours worked above this entitles a worker to overtime. The law mandates a payment of 40 percent above the hourly wage to employees for any accrued overtime. Employees must consent to work the overtime; it is not compulsory under the law. However, the law does not fully cover workers in workplaces with fewer than 10 workers, nor does it apply at all to those in workplaces with fewer than five workers, to noncitizens, or to any workers in export processing zones. Afghan workers, especially those working illegally, were subject to abusive working conditions, including below minimum wage remuneration, nonpayment of wages, and compulsory overtime. Such informal employment was common in construction, agriculture, transportation, retail, and the textile industry.

According to the International Alliance in Support of Workers in Iran, approximately 80 percent of workers employed by public and private companies were on temporary contracts, including teachers. Workers on temporary contracts can be dismissed at any time without reason. Low wages and the lack of job security due to contracting practices continued to be major drivers of worker strikes and protests, notably in the oil and petrochemical industry.

Information about labor inspection and labor law enforcement was difficult to obtain. While the law provides for occupational health and safety standards, these did not appear to be effectively enforced, and workers were excluded from the process. Industrial accidents were commonplace, and the government did not appear to conduct investigations into them. On November 15, the Iranian Workers' Solidarity Network, citing ISNA official figures, reported 778 workplace deaths during the first six months of the year. Labor organizations inside and outside the country alleged that hazardous work environments resulted in thousands of worker deaths annually. It was unknown whether workers could remove themselves from hazardous situations without risking the loss of employment.

On December 11, an explosion at the Ghadir steel smelter in the city of Yazd killed 16 workers, including foreign nationals, and injured at least three others. The blast reportedly was caused by ammunition in a delivery of scrap metal. On May 24, a massive explosion and fire at a new oil refinery in Abadan killed and injured an unknown number of workers.

IRAQ

EXECUTIVE SUMMARY

Iraq is a constitutional parliamentary republic. Prime Minister Nouri Kamal al-Maliki was sworn in following free and fair elections in March 2010, once the major political parties reached a power-sharing agreement that allowed the government to be seated in December 2010. While the government is inclusive of all major political parties, significant unresolved issues continued to hamper its operation as permanent ministers of defense and interior had yet to be appointed at year's end. However, during the year, the role of the Council of Representatives (COR) and provincial governments increased. Iraqi Security Forces (ISF) reported to civilian authorities, but continuing violence, corruption, and organizational dysfunction undermined the government's protection of human rights.

During the year the most significant human rights developments were continuing abuses by sectarian and ethnic armed groups and violations by government-affiliated forces. Divisions between Shia and Sunni and between Arab and Kurd empowered sectarian militant organizations. These militants, purporting to defend one group through acts of intimidation and revenge against another, influenced political outcomes. Terrorist attacks designed to weaken the government and deepen societal divisions occurred during the year.

The three most important human rights problems in the country were governmental and societal violence reflecting a precarious security situation, a fractionalized population mirroring deep divisions exacerbated by Saddam Hussein's legacy, and rampant corruption at all levels of government and society.

During the year the following significant human rights problems were also reported: arbitrary or unlawful deprivation of life; extremist and terrorist bombings

and executions; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; poor conditions in pretrial detention and prison facilities; arbitrary arrest and detention; denial of fair public trials; delays in resolving property restitution claims; insufficient judicial institutional capacity; arbitrary interference with privacy and home; limits on freedoms of speech, press, and assembly; extremist threats and violence; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of transparency and significant constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic, religious, and racial minorities; trafficking in persons; societal discrimination and violence against individuals based on sexual orientation and gender identity; and limited exercise of labor rights.

A culture of impunity has largely protected members of the security services, as well as those elsewhere in the government, from investigation and successful prosecution of human rights violations.

Terrorist groups such as al-Qaida in Iraq committed attacks against a wide swath of society, including Sunnis, Shia, and members of other sects or ethnicities, security forces, places of worship, religious pilgrims, economic infrastructure, and government officials. Their means were suicide bombings, attacks with improvised explosive devices, drive-by shootings, and other acts of violence aimed at weakening the government and deepening ethnosectarian divisions. Certain militant organizations, such as those influenced by Iran, also committed numerous terrorist attacks, primarily against foreign embassies and foreign military forces.

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

a. Arbitrary or Unlawful Deprivation of Life.—Violence against the civilian population perpetrated by terrorist groups remained a problem during the year, and bombings, executions, and killings were regular occurrences throughout all regions and sectors of society. During the year there were press reports and personal accounts that government employees committed arbitrary or unlawful killings connected to security operations, as well as of protesters and persons in custody. The outcomes of infrequent official investigations were often unpublished, unknown, or incomplete, and rarely credible in high-profile cases.

Confirmed government involvement in extrajudicial killings remained low but nevertheless occurred. For example, there were credible reports that soldiers arrested, tortured, and killed 35-year-old Waleed Khalid in Nineveh Province in February. His body was delivered to his family on February 23. Atheel al-Nujaifi, the Nineveh provincial governor, called for an investigation, but there were no known developments in the case at year's end.

On April 8, the army entered the facility known as Camp Ashraf, also known as Camp New Iraq. Camp Ashraf is home to approximately 3,300 Iranian exiles and serves as the Iraq base of the Mujahedin-e Khalq (MEK), a terrorist organization that had worked for Saddam Hussein's regime. The camp's residents violently opposed the army incursion, and some fought the army with sticks, batons, and other improvised weapons. Thirty-six camp residents died as a result of the ensuing violence and more than 300 were injured. Many of the dead were shot; army vehicles crushed others. At year's end the government had not conducted a credible investigation into the incident despite assurances that it would do so (see section 2.d.).

There were accounts of attacks by persons falsely presenting themselves as ISF personnel. For example, on August 15, persons wearing military uniforms pulled seven men from a Sunni mosque during evening prayers in Youssifiyah, a town about 12 miles south of Baghdad, and shot them.

In Erbil, Suleimaniya, and Dohuk, the three provinces referred to as the Iraqi Kurdistan Region (IKR), under the authority of the Kurdistan Regional Government (KRG), there were press reports and credible accounts of KRG security forces committing arbitrary or unlawful killings.

On February 26, the day after violent demonstrations in Kirkuk, the bodies of four young men were found near the city; all had been blindfolded, handcuffed, and shot. Four men in military uniforms had taken one of them from a local hospital the previous day. There was suspicion among Arab residents of Kirkuk that Kurdish security services killed them as a warning to the Arab community to refrain from further protests. Kurdish authorities strongly denied the accusations.

Violence against the government and civilian population perpetrated by terrorists and extremist groups, including religiously affiliated militias, remained a problem during the year, and bombings, executions, and killings were regular occurrences. Casualty estimates varied. For example, Agence France-Presse (AFP) reported figures compiled by the ministries of health, interior, and defense that indicated that

1,578 civilians, 609 police officers, and 458 soldiers were killed during the year in comparison to 2,505 civilians, 671 police officers, and 429 soldiers in 2010. Direct monitoring by the U.N. Assistance Mission for Iraq (UNAMI) indicated that a minimum of 2,771 civilians were killed in 2011. In 2010 UNAMI recorded 2,953 civilian deaths.

From January through December, AFP estimated that 458 ISF personnel were killed in terrorist attacks and 1,093 were wounded. AFP also estimated that 609 Ministry of Interior personnel were killed and 1,302 were injured during the year. Police officers, in particular, were targets. For example, on January 18, a suicide bomber blew himself up in the midst of police recruits in Tikrit, killing 60 and wounding 150 others.

There were reports of al-Qaida in Iraq attacks against Sunnis cooperating with the government—the Sons of Iraq, also known as the Sahwa (Awakening) Movement—and against Sunni tribal leaders. For example, on January 8 in Al-Hashamiyat, an improvised explosive device targeting a member of the Sons of Iraq killed the target's two young children instead of their father.

In the area under the authority of the KRG, there were significantly fewer reports of extremist violence than elsewhere in the country. On several occasions throughout the year, the Turkish government used military aircraft to attack areas where the Kurdistan Workers' Party (PKK), a terrorist organization, was active in the north; these attacks harmed civilians. For example, on August 21, local officials claimed that seven Iraqis were killed near the village of Kur Taka by a missile fired from a Turkish warplane. Turkey denied responsibility for the deaths.

Iranian forces regularly bombarded Kurdish areas along the Iran-Iraq border, targeting purported terrorist activities. The Iranian shelling resulted in civilian casualties. For example, on July 28, Iranian shelling near the town of Sidakan killed a 13-year-old boy.

There were no known developments in killings reported in 2010.

b. Disappearance.—The majority of reported cases of disappearances appeared to be financially motivated, and some kidnappers who did not receive a ransom killed their victims. On September 21, three Christians and one Turkmen were kidnapped while hunting approximately 20 miles south of Kirkuk. The kidnappers demanded a ransom of $200,000 for each victim but released the victims 10 days later after payment of a $150,000 ransom. Police believed that the majority of kidnappings went unreported.

Kidnappings also took place in the IKR. On September 24, three Yezidi men were kidnapped between the villages of Al-Jazeer and Sikiniya. Three million dollars was demanded for their release; no ransom was paid, and the victims were not released. The kidnapping remained unresolved at year's end.

New mass graves of persons who disappeared under Saddam Hussein's regime were found during the year. On April 13, the minister of human rights announced the discovery of a mass grave containing 812 victims, many killed with a gunshot to the back of the head between 1980 and 1989. More recent mass graves have also been discovered.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. Nonetheless, there were documented instances of torture and other abuses by government agents and similar abuses by illegal armed groups. Police across the country continued to use abuse and coerced confessions as methods of investigation.

In the IKR the Antiterrorist Law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities run by the internal security forces known as the Asayish (affiliated with the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK)) and the party-affiliated intelligence services, the KDP's Parastin and the PUK's Zanyari.

Local and international human rights organizations continued to report allegations of torture and abuse in several Ministry of Interior (MOI) and Ministry of Defense (MOD) detention facilities, as well as in KRG security forces' detention facilities. The international NGO Human Rights Watch reported that torture continued in detention facilities under the control of the army's 56th and 54th brigades.

As in previous years, reports of abuse during arrest and investigation, particularly by the police and army, continued to be common. Allegations of abuse included use of stress positions, beatings, broken fingers, electric shocks, sexual assault, denial of medical treatment, death threats, and death in custody.

In April 2010 the local and international media reported the discovery of a secret prison operated by security forces under control of the Prime Minister's Office containing more than 400 Sunni detainees, of whom more than 100 were reportedly tor-

tured. According to officials, the prison was closed shortly after its existence became known publicly, but human rights organizations reported that parts of the prison remained open during the year.

On February 1, Human Rights Watch announced that it had uncovered another secret prison at an Iraqi military base in northwest Baghdad holding 80 to 280 detainees, but the government denied the assertion. There have been reports that there are 10 secret prisons located in the International Zone.

There were indications that authorities took some disciplinary action against security forces accused of having committed human rights abuses as well as judicial action in some torture cases. Investigative teams from the Ministry of Human Rights uncovered 460 suspected cases of torture and took steps to transfer them to the Judicial Council. The internal court at the MOI disciplined several of its employees. For example, the court recommended firing a brigadier general for sexually harassing a subordinate and imprisoned a major for torturing a fellow employee.

Prison and Detention Center Conditions.—Four separate ministries—justice, interior, defense, and labor and social affairs—operated prisons, detention centers, and holding facilities. The country's fractured penal structure, in which the Ministry of Justice (MOJ) holds sentenced and unsentenced prisoners and the other ministries hold detainees, complicated detention and prison operations. By law the MOJ has full authority over all detention facilities, including two prisons in the IKR, except for MOD military justice facilities and those facilities in the IKR run by the KRG's Ministry of Labor and Social Affairs (KMOLSA). The law has not been fully implemented, although there was progress in transferring MOD detainees to MOJ detention facilities.

In the IKR, KMOLSA authorities operated prisons and pretrial detention facilities, security authorities operated prisons and pretrial detention facilities, and internal security forces and intelligence services operated separate detention facilities as well. Each of the three provinces has two prisons, one for men and another for women and juveniles. The KRG's Ministry of Interior, and not KMOLSA, supervises all pretrial male adults in the IKR.

The total capacity of MOJ's Iraqi Corrections Service (ICS) facilities—the only government entity with the legal authority to hold persons after conviction—was 34,124 beds for men and 553 beds for women. As of December the total number of prisoners in and detainees held by the ICS was 25,926. In the IKR there were approximately 2,200 posttrial prisoners (70 women) held in KRG facilities. There was no available information on those in Asayish and KRG intelligence service facilities.

Authorities at MOI and MOD detention facilities reported that conditions and treatment of detainees were generally poor. Many inmates lacked adequate food, exercise facilities, medical care, and family visitation. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to potable water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was inconsistent, and there were allegations of abuse and torture in some facilities.

The Ministry of Justice's (MOJ) detention facilities provided detainees with better treatment and living conditions. Medical care in the MOJ's ICS prisons in some locations exceeded the care generally available in the surrounding area.

The ICS internal affairs department monitored abuse or violations of prisoners' human rights. In past years allegations of abuse have resulted in the disciplining of ICS officers in some cases. The ICS stated the there were no allegations that their staff abused detainees during the year.

ICS prisons maintained visitation programs that allowed for regular visits by family members and others. Facility administrators dealt with prisoner complaints. An internal audit program ensured that detention conditions were compatible with international standards, such as separate housing for men, women, juveniles, and pretrial detainees; access to potable water; access to medical care; appropriate living space; and available programming, such as recreation, religious observation, and vocational rehabilitation.

The conditions in MOI facilities were much poorer. For example, UNAMI received reports of a counterterrorism facility in Diyala that held 500 detainees in three rooms measuring 6 by 4 meters each; the detainees shared two bathrooms without running water. Ministry officials rarely granted prison access to outside monitoring groups, which made it difficult to assess the prison conditions in the facilities.

The end-of-year total juvenile population in holding facilities and detention centers outside the IKR was approximately 1,345. Most juvenile pretrial detainees and posttrial prisoners were held in facilities run by the Ministry of Labor and Social Affairs, as required by law. Small numbers of juveniles were also held at some MOJ prisons and police stations; for example, 146 juveniles were held at MOJ facilities

at year's end. In the IKR the juvenile prisons held 235 pretrial detainees and posttrial prisoners.

Juveniles were sometimes held in the same cells as adults and rarely afforded access to education or vocational training. Access to medical care was limited. Often the detention facilities did not have an on-site pharmacy or infirmary.

In the IKR, domestic and international human rights NGOs and intergovernmental organizations generally had access to pretrial and posttrial facilities. Access by independent organizations to the facilities of the KRG internal security and intelligence services was limited to the International Committee of the Red Cross (ICRC) and the U.N.

Until April 2010—when media reports of an extrajudicial detention facility were released—the national detention facilities occasionally permitted visits by MOHR representatives of the MOHR and COR members. After the press coverage, ministry officials and COR members reported encountering resistance at some detention facilities to the visits. KRG detention facilities permitted visits by the national Ministry of Human Rights (MOHR), and KRG human rights authorities.

Domestic and international human rights NGOs and intergovernmental organizations generally did not have access to national MOI detention and pretrial facilities. UNAMI suspended inspections of several MOI and MOD facilities in December 2010 after finding evidence that authorities beat or mistreated prisoners and detainees because they raised concerns to UNAMI staff or in order to compel inmates to reveal to prison authorities what they reported to UNAMI inspectors. UNAMI did not plan to resume prison inspections until it received credible assurances that prisoners and detainees would not be compelled to reveal the nature of their conversations with inspectors. Credible assurances were not received by year's end.

The ICRC had access in accordance with its standard modalities to MOJ prisons and detention facilities, together with access to places of detention under other ministries, although at times with difficulty. During the year the ICRC carried out 105 visits to 50 central government detention facilities. In the last quarter of the year, however, the ICRC was suddenly denied access to a MOJ prison after the government transferred several hundred alleged Ba'athists there.

The ICRC had a separate agreement with the KRG for access with some restrictions to its detention facilities. The ICRC conducted 36 visits to 25 places of detention under the authority of the KRG.

d. Arbitrary Arrest or Detention.—The constitution provides for protection against arbitrary arrest and detention without a warrant, except in extreme exigent circumstances as provided for in a state of emergency. In practice there were many instances of arbitrary arrest and detention. Security forces reportedly arrested civilians without arrest warrants, and police detained individuals with judicial release orders and held them for ransom. For example, reports indicated that the Shia-dominated police force in Diyala province made arrests based on religious sect or political party; the judiciary dismissed cases based on religious sect, political party, and bribes; and corrections officers released defendants only after receiving payment for the defendants' release.

Role of the Police and Security Apparatus.—The Iraqi Security Forces (ISF) consist of internal security forces in the Ministry of Interior (MOI) responsible for domestic law enforcement and maintenance of order and conventional military forces in the Ministry of Defense responsible for external defense but cooperating regularly in internal security missions with the MOI. Human rights violations committed by ISF personnel were rarely investigated and perpetrators were seldom punished.

The MOI disciplinary and criminal court system for internal security forces heard more than 11,100 cases with 3,800 convictions between January and September; the remaining cases resulted in acquittals or were ongoing.

Impunity for security forces continued. A significant number of abuses were reported during the year. For example, elements of the 46th and 47th Brigades used live fire against antigovernment protesters and police in Kirkuk and Hawija on February 25, killing six persons and injuring more than 10. Despite photographic evidence of the events, no action was taken against the army units. There were continued reports of torture and abuse throughout the country in many MOI police stations and MOD facilities; the incidents generally occurred during interrogation. The MOI Internal Affairs Division did not release the number of officers punished during the year, and there were no known court convictions for abuse.

Security force officials were rarely pursued for suspected crimes because ministers can legally block an arrest warrant. Article 136(b) of the criminal procedure code gives ministers the opportunity to review and prevent the execution of arrest warrants issued by judges presiding over criminal investigations of employees in their ministry (see sections 1.e. and 4).

Although oversight by MOI and MOD internal affairs increased, problems persisted with the Iraqi Police regarding sectarian divisions, corruption, ties to tribes, and unwillingness to serve outside the areas in which they were recruited. The army and Federal Police recruited nationwide and deployed their soldiers and police to various areas, reducing the likelihood of corruption because of personal ties to tribes or militants.

The KDP and PUK parties maintained their own security apparatus, organized along military lines, dating from the struggle against the regime of Saddam Hussein and earlier. There were approximately 22 Peshmerga (Kurdish militia) brigades, all originally under the control of the two main Kurdish parties. Under the constitution, the KRG has the right to maintain Regional Guard Brigades, supported financially by the central government but under KRG control. Accordingly, the KRG established a Ministry of Peshmerga Affairs. By the end of the year, eight of these Peshmerga brigades moved from party control to the control of the ministry, but the central government had not provided financial support for any of the Peshmerga.

KRG security forces and intelligence services detained suspects in KRG-controlled areas. The poorly defined administrative boundaries between the IKR and the rest of the country led to confusion about the jurisdiction of security and courts. The KDP maintained its own internal security unit, the Asayish, and its own intelligence service, the Parastin. The PUK maintained its own internal security unit, also known as the Asayish, and its own intelligence service, the Zanyari. The PUK and KDP security organizations remained separate and effectively controlled by political leaders through political party channels.

Arrest Procedures and Treatment While in Detention.—The constitution prohibits "unlawful detention" and mandates that authorities submit preliminary documents to an investigative judge within 24 hours of arrest, a period that can be extended by one day. For offenses punishable by death, authorities can detain the defendant for as long as necessary to complete the judicial process.

The government periodically released detainees, usually after concluding that it had insufficient evidence for the courts to convict them. The law allows release on bond, and in practice criminal (but not security) detainees were considered for release on bail. There were reports that KRG internal security units detained some suspects incommunicado without an arrest warrant and that they transported detainees to undisclosed detention facilities.

The law provides for judges to appoint paid counsel for the indigent, and they did so in practice. Attorneys appointed to represent detainees frequently complained that poor access to their clients after their appointment hampered adequate attorney-client consultation.

Arbitrary Arrest.—Police and army personnel frequently arrested and detained individuals without judicial approval, although there were no reliable statistics available. Authorities often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention.

Pretrial Detention.—Pretrial detainees in the MOJ's ICS facilities amounted to 35 percent of the total population of those incarcerated. In Iraq, including in the IKR, only the ICS is authorized to hold persons after conviction. In theory, other ministries' facilities should only hold detainees. At the end of the year there were 9,197 ICS pretrial detainees. The MOI held 7,727, the MOD held approximately 250, and the Ministry of Labor and Social Affairs (MOLSA) held approximately 600. Although there were no independently verified statistics, the majority of individuals in MOI and MOD facilities were pretrial detainees. In the IKR there were approximately 900 pretrial detainees (46 women) held in KRG facilities. Facilities operated by the KRG hold both pretrial and postconviction detainees.

Lengthy detentions without judicial action were a systemic problem. The lack of judicial review resulted from a number of factors that included a large numbers of detainees, undocumented detentions, slow processing of criminal investigations, an insufficient number of judges, authorities' inability or reluctance to utilize bail or other conditions of release, lack of information sharing, and corruption. Overcrowding of pretrial detainees remained a problem in many detention facilities. There were allegations of detention beyond judicial release dates as well as unlawful releases.

In practice many detainees were held for months or years after arrest and detention, sometimes incommunicado, without access to defense counsel or without being formally charged or brought before a judge within the legally mandated time period.

Amnesty.—During the year, the central government granted amnesty to at least 108 persons. The KRG did not grant amnesty to anyone during the year.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary in all regions, but certain articles restricted independence in practice. Although the ju-

dicial system was credited with efforts to maintain independence, the security situation in the country rendered the judiciary weak and dependent on other parts of the government. Authorities generally respected court orders, although some politically sensitive decisions such as court-issued detainee release orders were reportedly not consistently enforced.

Threats and killings by sectarian, tribal, extremist, and criminal elements impaired judicial independence in many places. Judges and their family members frequently faced death threats and attacks. During the year seven judges were killed and at least five wounded. For example, on September 26, gunmen using silenced weapons shot and wounded Judge Mounir Hadad, former deputy director of the Iraqi High Tribunal, while he was traveling to Baghdad International Airport.

Judges were generally vulnerable to intimidation and violence. Some judges presiding over criminal cases at the trial level or on appeal to the Court of Cassation reportedly were influenced by corruption or intimidation.

As referenced above, article 136(b) of the criminal procedure code made the judiciary subservient to the executive in the investigation of wrongdoing in the executive branch. The article gives ministers the opportunity to review and prevent the execution of arrest warrants issued by judges in criminal investigations against employees of their ministry. This provision provided immunity to selected government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch.

During the year protection from arrest was generally extended to all but lower-level ministry employees in nonsensitive cases. The threat of invoking the article or failure to provide information effectively stopped investigations. On June 13, the COR repealed article 136(b), but the prime minister challenged the repeal as unconstitutional because the legislation did not originate in the Council of Ministers, and ministers continued to block arrest warrants and stymie investigations. The case was under judicial review at year's end (see sections 1.d. and 4).

The Kurdish Judicial Council was legally independent from the MOJ, but the KRG executive continued to influence cases in politically sensitive areas, such as freedom of speech and press (see section 2.a.).

The Iraqi High Tribunal, formerly the Iraqi Special Tribunal, tried persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 1968 through May 2003. At the end of July, both the Investigative Chamber and trial chambers three and four of the tribunal were dissolved. Trial Chamber One and Trial Chamber Two concluded all pending cases. The cases tried by the high tribunal resulted in approximately 175 individual convictions and 133 acquittals (some defendants were involved in multiple cases with multiple counts). There were no pending appeals. The death sentences of Sultan Hashem Ahmed and Tariq Aziz were not carried out by the end of the year.

Trial Procedures.—The constitution provides for the right to a fair trial, and judges—investigative, trial, and appellate—generally sought to enforce that right, which extends to all citizens. An accused person is considered innocent until proven guilty and has the right to a privately retained or court-appointed counsel at public expense if needed. One of the significant challenges facing the criminal trial courts was defendants' insufficient access to defense attorneys. Many defendants met their lawyers for the first time during the initial hearing. Trials, except in some national security cases, were public. Judges assembled evidence and they, not juries, adjudicated guilt or innocence. Defendants and their attorneys had access to government-held evidence relevant to their cases before trial and have the right to confront witnesses against them and present witnesses and evidence. Criminal judgments of conviction and acquittal may be appealed to the Court of Cassation. The right of appeal also exists in civil cases.

Political Prisoners and Detainees.—Legislation does not define or recognize the concept of a political prisoner. The government did not consider any of its prisoners to be political prisoners and stated that all individuals in prison were convicted, charged under criminal law, and awaiting trial or detained while under investigation.

Some detainees asserted that the government imprisoned or sought to imprison persons for political activities or beliefs under cover of criminal charges. Authorities countered with criminal charges ranging from corruption to facilitating terrorism and murder. The prevalence of corruption, slow case processing, and inaccessibility to detainees, especially those held by counterterrorism, intelligence, and military authorities, made most claims difficult to assess.

On October 24, the army began arresting alleged former members of the Ba'ath Party said to be involved in a coup plot. More than 900 people were arrested in the following weeks. Formal charges were often made only after the arrests and many

were held without access to family members or legal representation. Media reported that at least one detainee, Kadhim Munshed Rashed, died from torture, but the MOI claimed that he committed suicide. The government did not present evidence to support the existence of a plot at year's end. Many Sunnis contended that the arrests were intended to weaken the government's political opponents.

On December 18, an arrest warrant was issued for Vice President Tariq Al-Hashemi on terrorism charges. Local television stations broadcast alleged confessions of Hashemi's bodyguards who had been arrested and detained. Hashemi insisted that the charges were politically motivated and that the evidence had been fabricated. Human rights groups have complained that broadcasting the confessions violated the principle of a fair trial for Hashemi and his guards; some of the bodyguards have stated that they were tortured.

A two-year sectarian political campaign by some Shia political parties and militias targeting Sunni politicians from Diyala continued, but less intensely than in previous years. On September 28, the president of al-Iraqiyya in Diyala, Muhammad Taha al-Hadlosh (a Sunni), was released three months after his arrest. He was cleared of charges of terrorism. This was the second time in one year that al-Hadlosh was arrested and released with charges dismissed. In 2010 four Sunni political leaders in Diyala were charged with murder, terrorism, and terrorist financing. Three of the four leaders remained in prison awaiting trial during the year, while the fourth was convicted and received a life sentence.

There was no reliable information available concerning possible political prisoners and detainees in the IKR. However, following riots in Dohuk Province in early December, authorities arrested approximately 25 Kurdish Islamic Union (KIU) party members and journalists and detained them for up to a week without charges.

Civil Judicial Procedures and Remedies.—A legal framework exists to deal with civil issues in lawsuits seeking damages for or cessation of human rights violations. Administrative remedies also exist. However, the priorities of the executive branch and of an understaffed judiciary dependent on the executive focused on issues more directly related to security, and these procedures as well as administrative remedies for human rights violations were not effectively implemented.

A November 2010 law in the IKR provided for compensation to persons unlawfully arrested and/or detained. There were two instances of compensation paid by the end of the year.

Property Restitution.—There was a problem with serious delays and corruption in adjudicating claims for property restitution. The Property Claims Commission is an independent governmental commission whose purpose is to resolve claims for property unjustly seized by the former regime between 1968 and 2003. The commission process was intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's "Arabization" program and other policies of sectarian displacement.

The claims commission has received more than 178,000 claims nationwide since its founding. Approximately 124,000 claims have reportedly been reviewed, of which approximately 25,921 were approved, 35,824 rejected, and 54,907 were accepted for consideration but ultimately found not valid. Of the total claims filed, more than 55,000 were from Kirkuk; of the claims approved, more than 5,990 were from Kirkuk.

Since 2003, more than 28,000 "wafadin"—Arabs previously settled in the Kirkuk region under Saddam Hussein's anti-Kurdish policies—returned to their previous homes in the center and south of the country and applied for compensation. Since the wafadin were compensated to leave occupied lands, their claims were reviewed and paid primarily by the Article 140 Commission. By the end of 2010, approval had been given to 20,212 wafadin, and 11,078 had received compensation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution mandates that authorities not enter or search homes except with a judicial order. The constitution also prohibits arbitrary interference with privacy. In practice, security forces often entered homes without search warrants and took other measures interfering with privacy, family, and correspondence. On July 28, authorities searched the house of a prominent online journalist without a warrant after he posted blog entries critical of the government. He had previously been detained at an antigovernment protest.

In the IKR there was pressure on citizens to join the PUK party in the province of Suleimaniya and the KDP party in the provinces of Erbil and Dohuk. Party membership often remained a prerequisite for employment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution broadly provides for the right of free expression, provided it does not violate public order and morality or express support for the banned Ba'ath Party or for altering the borders by violent means. In an atmosphere of rising uncertainty about the country's political future, and amid the Arab Spring, the government increasingly interpreted the law restrictively and acted in practice to limit these rights. In practice the main limitation on individual and media exercise of these rights was self-censorship due to the real fear of reprisals by the government, political parties, criminal gangs, insurgent and sectarian forces, or tribes.

On August 9, the COR passed legislation (the Journalist Rights Law) that offers some additional legal protection for journalists but qualifies many protections by the phrase "in accordance with existing law," which permits ambiguity about the actual scope of protection offered. The new law fails to address the continuation of restrictive practices, including the criminalization of libel and defamation under the 1969 penal code and the 1968 Publications Law's ability to impose up to seven years' imprisonment for publicly insulting the government. According to international and local NGOs, the new law also enhances the power of the progovernment Journalists Syndicate. Many journalists were concerned that the law's requirement to provide a copy of their employment contract to the syndicate might disclose sensitive personal information that could jeopardize their and their families' lives.

In the IKR the Journalist Rights Law did not apply, and journalists continued to be tried, convicted, and imprisoned under the 1969 penal code, despite the 2008 media freedom law that decriminalized publication-related offenses. The Kurdistan Journalists Syndicate documented 37 lawsuits against journalists during the year in the region. According to syndicate officials, the 2008 law is the sole basis for prosecution of journalists for publication offenses, but the penal code allows prosecution for offenses to public morals and other crimes despite the implementation new Journalism Protection Law. Public officials regularly resorted to punitive fines through legal actions against individual media outlets and editors, often for publishing articles on alleged corruption.

Freedom of Speech.—Despite the constitutional protection for freedom of expression, the 1968 Publications Law provides, if authorized by the prime minister, for fines or the imposition of a term of imprisonment not to exceed seven years for any person who publicly insults the COR, the government, or public authorities. On September 22, the prime minister ordered the issuance of an arrest warrant for COR member Sheikh Sabah al-Saadi, a prominent critic of the government, for insulting the prime minister by publicly stating that he was corrupt. Under the law, however, COR members cannot be arrested.

Individuals could criticize the government publicly or privately, but not without concern of reprisal by the government or by criminal gangs allegedly associated with the government if the criticism was seen as challenging an important person's sense of honor.

Potential critics self-censored accordingly. On September 8, two months after he stopped hosting his popular radio talk show because of fears for his safety, Hadi al-Mahdi, a frequent critic of government corruption, bribery, and sectarianism, was shot and killed in his home in Baghdad. Via his Facebook page, al-Mahdi organized regular prodemocracy demonstrations and publicized death threats he said he had received. A Shia, al-Mahdi had defended the rights of Sunnis, according to the international NGO Committee to Protect Journalists.

Freedom of Press.—Political parties strongly influenced most of the several hundred daily and weekly publications, as well as dozens of radio and television stations. The active media expressed a variety of views largely reflecting political party positions, which included self-censorship and the government's interpretation of lawful restrictions on violations of public order and morality.

Violence and Harassment.—Eight journalists and media workers were killed during the year. Journalists were targets of government security forces, corrupt officials, terrorists, religious groups that were unwilling to accept media independence, and unknown actors who wished to affect the flow of news. For example, on February 17, Hilal al-Ahmadi, a journalist who wrote about corruption and lack of government services, was shot and killed in front of his home on the outskirts of Mosul.

The NGO Journalistic Freedoms Observatory recorded more than 160 attacks on journalists during the two-week period ending on March 9, when antigovernment demonstrations stimulated by the Arab Spring were at their peak. On February 23, security forces raided the observatory's office, confiscating and destroying computers and other media equipment.

Media workers often reported that politicians, government officials, security services, tribal elements, and business leaders pressured them to not publish or broadcast stories perceived as critical. They offered accounts of violence, intimidation, death threats, and harassment by government or partisan officials. For example, on February 25, four journalists, including Hadi al-Mahdi, were arrested, beaten, and taken to a building that houses the military intelligence unit of the army's 11th Division. While detained, the journalists were reportedly tortured and threatened with summary execution. The journalists saw 300 other protesters in the same facility, many with black hoods over their heads and bloodied shirts.

Throughout the IKR there were numerous credible reports of attempted murder, beatings, imprisonment, and property destruction carried out against media. The Kurdistan Journalists Syndicate documented more than 100 acts of harassment, including threats, lawsuits, and attacks, from January to October in the region. In many of these reports, the aggressors wore military or police uniforms. With one exception, these attacks were directed at the independent and opposition media, mainly Goran (Change) and the KIU, rather than at media controlled by the ruling parties.

Despite multiple killings of journalists during the year, there were no prosecutions or convictions for these or those that occurred in 2010, including the May 2010 abduction and killing of Sardasht Osman, who was known for his articles alleging nepotism and corruption among the leadership of the Kurdistan region, including President Massoud Barzani.

In another high profile case in the IKR, Asos Hardi, founder and editor of the independent newspaper Awene, was severely beaten in Suleimaniyah in August. The Suleimaniyah criminal court released two persons charged with the crime—who had links to the PUK—on grounds of insufficient evidence in December, a decision that Hardi's lawyers appealed. Hardi fully recovered and continued to publish Awene at year's end.

Censorship or Content Restrictions.—Producing, importing, publishing, or possessing written material, drawings, photographs, or films that violate public integrity or decency is prohibited. The penalties for violating public integrity or decency include fines and imprisonment.

On February 25, shortly after it broadcast scenes from the protests in Baghdad's Tahrir Square, security forces raided the offices of satellite channel al-Diyar, arrested and beat the employees, and then forced the station off the air.

On March 3, a group of Asayish operatives reportedly kidnapped Speda TV journalists Sangar Hamid and Asad Muhamamad in front of the Speda TV office in Garmiyan. According to the journalists, they were beaten and insulted at the Garmiyan Directorate of Asayish and threatened with death if either of them was seen with a camera at a demonstration.

The government used its authority to suppress potentially unfavorable media coverage. For example, in August the authorities banned journalists in Kirkuk from filming at schools and from writing about schools after the release of a critical documentary that embarrassed the Ministry of Education.

All books were subject to censorship. Books published within the country required the Ministry of Culture's approval before publication. All book imports were subject to the ministry's censorship. According to the ministry, the purpose of the vetting was to suppress literature promoting sectarianism.

Libel Laws/National Security.—The law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their profession by creating strong fears of prosecution, although widespread self-censorship impeded journalistic performance as well.

Libel remains a criminal offense in the IKR, and judges may issue arrest warrants for journalists on this basis. When named in a lawsuit, journalists were typically detained at police stations until they posted bail. Police often kept journalists in custody during investigations.

The government frequently used the threat of legal action against media workers as a tool to discourage media from investigating allegations of bad governance, often seeking disproportionate fines or damages. For example, on January 10, the independent newspaper Hawlati reported that Erbil's First Instance Court fined the independent magazine Lvin 35 million dinars (approximately $30,000) after KDP politburo secretary Fazil Mirani filed a lawsuit against the magazine for publishing reports implying a connection between the KDP's intelligence service Parastin and the murder of journalist Sardasht Osman in May 2010. Lvin editor Ahmed Mira stated that the magazine was not notified of the court proceedings in Erbil and that the verdict was issued in its absence. Following another article critical of the KDP

in Lvin in May, the KDP filed a lawsuit on May 18 demanding Lvin's closure, a fine of one billion dinars ($858,000), and banning Mira from leaving the country. In September, according to press reports, Mira was arrested, beaten, and released after three hours in custody without being charged. At year's end Lvin continued to be published.

Internet Freedom.—There were no overt government restrictions on access to the Internet or official acknowledgement that the government monitored e-mail or Internet chat rooms. However, there were reports that individuals and groups were not assured of their freedom to engage in the peaceful expression of views via the Internet, including e-mail. For example, a documentary filmmaker and author of a prominent blog organized the video coverage of peaceful protests over the Internet via a short, nonsubscription messaging service. He was beaten on April 22 and again on July 22 allegedly by individuals in civilian clothing linked to the security forces and by army officers as he attempted to videotape demonstrations in Tahrir Square for his blog. He went into hiding, and a few days after the second attack police searched his house. He later resumed blogging.

Academic Freedom and Cultural Events.—Social, religious, and political pressures restricted the exercise of freedom of choice in academic and cultural matters. In all regions, various groups reportedly sought to control the pursuit of formal education and granting of academic positions. During the year extremists and terrorists targeted cultural figures. In the central and southern parts of the country, there were a number of reports of threats by extremists and sectarian militants against schools and universities, urging them to modify activities, favor certain students, or face violence. Academics self-censored and educational institutions at times modified their activities accordingly. For example, the government banned theater and music classes in Baghdad's Fine Arts Institute closed for several months in 2010, but activities resumed on January 4 with the arrival of a new minister of education.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly and peaceful demonstration. The government's response to the wave of protests that swept the country during the first half of the year demonstrated a lack of respect for the free exercise of these rights.

In the first six months of the year, protesters demonstrated in several major cities, demanding an end to corruption and better government services. Many were peaceful, with the government providing an appropriate level of security. On other occasions, the government suppressed demonstrations, arrested organizers, used excessive force against protesters, and harassed protesters after the event.

Protests began in January and intensified in early February. On February 21, the lights in Baghdad's Tahrir Square were turned off during the early morning hours while approximately 50 protesters were staging a sit-in. At that time police withdrew, according to eyewitnesses quoted by Human Rights Watch, allowing gangs of armed men to beat and stab at least 20 protesters.

On February 25, large demonstrations countrywide occurred in response to calls for a day of national protest. On the eve of these demonstrations, Prime Minister Maliki urged citizens to stay home and asserted, without evidence, that protests were being supported by Ba'athists and terrorists. On February 25, authorities banned vehicular traffic in Baghdad, imposed a citywide curfew, and closed many streets providing access to protest sites for "renovation." Vehicles, including television transmission vans, were banned from Tahrir Square, the main protest site, limiting video coverage. Similar restrictions, ostensibly for protecting the demonstrators, were imposed in other cities. On some occasions, police used live fire when demonstrations became violent, such as in Hawija. In other instances, such as in Tikrit and Mosul where seven people were killed, the force used was disproportionate. Twenty-four protesters were killed nationwide and more than 150 were injured. There were no reported investigations into these incidents.

In the weeks after the February 25 demonstrations, the government restricted the right of citizens to assemble peacefully and express themselves freely. For example, on April 13, Baghdad's mayor restricted demonstrations in the city to several soccer stadiums, and on May 27, authorities arrested four student organizers of protests near Tahrir Square and eventually charged them with carrying forged identity documents. The protesters were released on June 7.

There were similar occurrences in the IKR. On February 17 in Suleimaniya, demonstrations against corruption and lack of jobs and services turned violent when a group of protesters tried to storm the headquarters of the KDP and threw rocks at the building. Security guards responded by shooting into the crowd; two persons died and 47 were wounded. Goran took responsibility for the demonstrations but said it had nothing to do with the storming of the building and condemned the attack on the headquarters. In the following weeks, the demonstration expanded and

reached a height of 7,000 protesters. A sit-in occupied Freedom Square in the city of Suleimaniya. Religious leaders and other opposition parties joined the protesters. Several subsequent clashes between security forces and protesters resulted in 10 deaths.

Shortly after the February 17 incidents, discussions between KRG officials and opposition leaders were reportedly underway to find mechanisms to compensate victims, including detainees, of the demonstrations in Suleimaniya and elsewhere. There were no results by year's end. A presidential decree issued in August called for "bringing to justice those who had a role in the shootings" in Suleimaniya, but at year's end no arrests had taken place.

Freedom of Association.—The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba'ath Party. Because of a requirement in the 2010 law on NGOs that directors of NGOs have to be checked for prohibited past affiliation or membership in the Ba'ath party by the Accountability and Justice Commission, the newly instituted registration process was significantly delayed. According to the government, the law was designed to facilitate NGO registration and operations while providing extra protections from onerous and arbitrary government actions. The Council of Ministers Secretariat NGO Assistance Office accepted registrations for NGOs.

On March 6, on orders from the prime minister, the Baghdad Operations Command directed closure of the offices of the Iraqi National Party and the Iraqi Communist Party. Both parties, supporters of ongoing antigovernment demonstrations, were informed that they had been evicted because the Ministry of Defense needed their buildings.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The government generally respected the constitutional provisions for freedom of movement in all parts of the country as well as the right to travel abroad and return freely. There were some limitations due to security concerns, as well as limitations on travel into and residence within the IKR, although internally displaced families were generally allowed to reside there.

The government generally cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems to assist these individuals were not fully established by year's end.

In-Country Movement.—Security forces can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures in response to security threats and attacks. There are no KRG laws that restrict movement across the areas administered by the KRG, but movement was restricted due to security procedures. Citizens (of any ethnicity, including Kurds) crossing into the region from the south were obligated to stop at checkpoints and undergo personal and vehicle inspections. Officials prevented individuals from entering into the region if they were deemed a security threat. Entry for male Arabs was reportedly more difficult than for others. The officer in charge at the checkpoint was empowered to decline entry into the region.

To accommodate increasing numbers of summer and holiday visitors, the KRG security authorities have worked out agreements with other provinces whereby tourist agencies submitted names of visitors in advance for preclearance. Visitors must show where they are lodging and how long they intend to stay.

Foreign Travel.—Exit permits were required for citizens leaving the country, but the requirement was not enforced. The MOI Passport Office previously maintained a policy of requiring women to obtain the approval of a close male relative before receiving a passport, but the COR amended this law on December 20, allowing women 18 and older to receive passports without consent from male relatives. In the KRG women over the age of 18 obtained passports without such approval.

Exile.—The constitution permits forced exile only of naturalized citizens and only if a judicial decision establishes that the citizenship was granted on the basis of material falsifications. There were no reported cases of forced exile.

Internally Displaced Persons (IDPs).—The government estimated that there were approximately 2.5 million IDPs and that about 40 percent of them were in Baghdad. Sectarian violence that began in 2006 displaced Shia, Sunni, and Christian families.

According to the UNHRC, in December approximately 1.3 million people remained internally displaced due to sectarian violence that occurred from 2006 to 2008. Approximately 200,000 remained displaced due to violence that occurred between 2003 and 2005, and approximately one million remained displaced due to policies implemented by the former regime prior to 2003 (see section 2.c.).

The UNHRC reported 67,080 Iraqi refugees and 193,610 IDPs registered returns during the year; these refugees and displaced persons returned to their places of origin or integrated into new communities in the country. While the year's return figures were higher than the 26,410 refugee returns and 92,480 IDP returns recorded in 2010, the number of registered IDPs remained largely the same, likely due to the government reopening the IDP registration process. The UNHRC's August Iraq Returnee Monitoring Report noted that 64 percent of the estimated 37,000 registered and unregistered refugee returnee families monitored by the UNHRC between August 2010 and July 2011 permanently returned to the country because of improved security and political conditions in Baghdad. Almost all received the Ministry of Migration and Displacement's (MODM) four million dinar (approximately $3,434) returnee grant. While security gains and access to assistance attracted Iraqi refugees to return, high unemployment and an unstable political environment created significant challenges. Many displaced Iraqis reported that they remained unwilling or unable to return to their homes because they feared their religious affiliation would make them an unsafe minority in neighborhoods segregated along lines of religious identity.

Social and geographic integration of communities displaced prior to 2003 made it difficult to distinguish between those who remained displaced and those who chose to remain where they were. Most international organizations focused on the 1.3 million people displaced since 2006.

The majority of those displaced pre-2003 were moved under the prior regime's policy of Arabization. Many of them have returned to their areas of origin but were included in the displaced population because they were unable to regain their original property and residences, generally in central and southern Iraq. Both Arabs and Kurds displaced in this way have a right to compensation and a process exists, but the government has been slow to implement it.

The government engaged in efforts to promote the safe, voluntary return or resettlement of IDPs. The government had laws and policies in place to protect IDPs in accordance with the U.N. Guiding Principles on Internal Displacement. In September the government appointed Dr. Farhat Na'emat Ullah Hussain as the national coordinator for displacement issues to implement the MODM's proposed comprehensive strategy, a draft national policy on displacement that recognizes local integration as a legal option for IDPs. While local integration was incorporated into government efforts, the government also continued to encourage families to return to their original homes.

Although the government promised to provide essential services to support returnees in Baghdad and Diyala provinces upon their return home, these promises remained largely unfulfilled. The government, through the MODM, allowed IDPs access to domestic and international humanitarian organizations, collected information about IDPs, and provided some protection and assistance in the form of humanitarian supplies.

The ICRC provided food rations, water and sanitation projects, and health care to many IDPs unable to access the public food distribution system or public schools in the governorate to which they were displaced. In other instances, the IOM and World Food Program organized income generation projects and quick impact projects, providing adults with cash-earning public work and training opportunities in order for them to have money for food and other basic needs. A growing number of international and local NGOs also assisted IDPs and returning refugees. Lack of registration limited IDPs' access to basic services and legal documentation to receive food rations from the public distribution system.

The government provided protection and assistance to IDPs, but approximately 467,000 lived in 382 ad hoc "clusters" or settlements with limited water, sanitation, and electricity.

The government evicted IDPs from government buildings on a case-by-case basis. According to the International Rescue Committee, 29 IDP settlements received eviction notices during the year, potentially affecting over 6,510 internally displaced families. The threat of eviction was more acute in Baghdad where an estimated 148,000 IDPs, refugee returnees, and squatters lived in 121 illegal settlements on land or in buildings belonging to the government. Provincial councils and NGOs sought, with limited success, to halt the evictions, compensate the families with several months' rent, or provide land grants in alternate locations.

Continued bombing and shelling by the Iranian and Turkish military forces that began in June led to the displacement of more than 1,600 Kurdish families, according to the MODM. The families, from villages along the border with Turkey, fled to more centrally located villages within Dohuk and Suleimaniya provinces. Because most families fled during the initial border bombings, the MODM noted few families fleeing following the Turkish military incursions in mid-October. The government provided a two million dinar (approximately $1,710) grant to each family while the KRG provided some emergency assistance to families.

Security concerns displaced many Kurdish, as well as some Arab and Turkmen, families in Diyala Province. Local officials estimated that more than 1,300 families left al-Sa'adya, Jalawla, Qaratapa, and Jabara, with many moving to Khanaqin or outside the province. Some local officials blamed the continuing displacement in Diyala Province on the lack of implementation of article 140 of the constitution, which seeks to reverse Saddam Hussein's Arabization policy. Article 140 describes a process to repatriate families displaced by the Arabization policy and relocate or compensate those Arab families brought to the area under the policy.

Protection of Refugees.—Access to Asylum.—The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The government generally cooperated with the UNHRC and other humanitarian organizations to provide protection and assistance to the approximately 40,000 refugees living in the country.

Refugee Abuse.—Reports of attacks and arrests of refugees such as Palestinians, Ahwazis in the south, and Syrian Arabs in Baghdad and Mosul declined during the year, although they continued to be targeted periodically in attacks by sectarian groups, extremists, and criminals.

In September an estimated 3,300 residents of Camp Ashraf in Diyala Province applied to the UNHRC for individual status as asylum seekers. The government pressured the residents of Ashraf to relocate and depart from the country, and periodically withheld or delayed medical treatment for patients suffering from critical and chronic conditions. The government on several occasions placed loudspeakers on the perimeter of the camp to broadcast anti-MEK propaganda. The government also refused entry for some fuels, nonessential consumer items, construction materials, and industrial goods. Ashraf residents conducted protests during the year (see section 1.a.).

Some former members alleged that Ashraf leaders attempted to prevent disgruntled residents from leaving the camp by threats of reprisal. MEK leaders denied such allegations.

A December 25 memorandum of understanding between the government and the U.N. provided for the orderly and rapid closure of Camp Ashraf, with the UNHRC providing refugee status determinations with the goal of facilitating resettlement of the camp's population outside the country. At year's end the U.N. and the government were still negotiating procedures for closing the camp.

Employment.—Economic challenges placed Palestinian refugees in the lowest socioeconomic rankings; their declining economic situation was in part attributable to a loss of employment opportunities as a result of discrimination.

Durable Solutions.—Refugee groups of Turkish and Iranian Kurds in the IKR generally achieved a high level of integration. For the majority of Iranian Kurds whom the UNHRC registered as refugees in the north, local integration remained the best and most likely option.

Stateless Persons.—In the north an estimated 560 stateless Syrian Kurds were registered as asylum seekers. Additionally, the UNHRC estimated that there were 120,000 stateless, nonrefugee Faily Kurds and Bidouns (literally meaning "without"). Many of these nonrefugee stateless individuals had already commenced the process of reacquiring Iraqi nationality. The Ministry of Interior's Nationality Department anticipated resolving all such cases over the course of the next two years. Since 2003 more than 25,000 persons have regained their nationality, some in accordance with articles 17 and 18 of the 2006 nationality law. However, approximately 54,500 Bidoun individuals living as nomads in the desert near the southern provinces of Basra, Dhi-Qar, and al-Qadisiyah remained stateless at year's end. A 2006 law prevents Palestinians from obtaining citizenship and Jews who emigrated to other countries from reclaiming citizenship.

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

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

Elections and Political Participation.—Recent Elections.—In the March 2010 parliamentary elections, nearly 12 million persons voted, from a pool of more than 18.9 million registered voters. International observer missions and indigenous observers declared the elections free from widespread or systemic fraud.

The Independent High Electoral Commission announced preliminary election results based on the tabulation of 100 percent of the vote and resolution of approximately 200 complaints. Despite the controversy surrounding the electoral commission decision to ban approximately 500 candidates for alleged ties to the banned Ba'ath Party and violence before and on election day, the elections were considered free and fair.

Provincial elections in the IKR scheduled during the year were postponed pending passage in the Iraqi Kurdistan Parliament (IKP) of a package of laws related to provincial council elections, provincial powers, and the establishment of a Kurdish electoral commission. However, the IKP passed the Provincial Council Elections Law in November and signed it into law in December. On December 28, the KRG set September 27, 2012, as the date for Provincial Council elections.

Political Parties.—While political parties did not formally restrict membership to certain societal groups, they tended to be organized along either religious or ethnic lines. Shia Islamist parties, such as the Islamic Supreme Council of Iraq, al-Dawa al-Islamiyya Party, and Sadrist Trend, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the secular Iraqiyya, Sunni Iraqi Islamic Party, the Goran (Change) Party in the IKR, and ethnic minority parties, such as the Assyrian Democratic Movement, the Kurdish Islamic Union, and the Kurdish Islamic Group. Membership in some political parties conferred special privileges and advantages in employment and education. The KDP and PUK gave preference in KRG government employment to their respective members. In total, 160 regular parties, 36 independents, and 10 minority parties and candidates participated in the elections.

Participation of Women and Minorities.—The constitution mandates that female members of parliament constitute 25 percent of the COR. There were 81 women elected to the COR, including candidates elected through the open list system. However, female parliamentarians were often marginalized. There was one female minister out of 29 in the cabinet (minister of state for women's affairs), and four cabinet members from religious and ethnic minority groups: the ministers of agriculture, environment, youth and sports, and provincial affairs. In the COR there were five women chairing standing committees: services and construction; woman, family, and childhood; members affairs and parliamentary development; health and environment; and deportees, immigrants, and expatriates.

Of the 325 seats in the parliament, the law reserves eight compensatory seats for minorities: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Dohuk; one Yezidi representing Ninewa; one Sabean-Mandaean representing Baghdad; and, one Shabak representing Ninewa. The law also opened the process to out-of-country voting for refugees and citizens abroad.

Section 4. Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively and officials frequently engaged in corrupt practices with impunity.

Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the "de-Ba'athification" process to pursue political and personal agendas. The government did not enforce the law requiring certain government officials, such as ministers, governors, and parliamentarians, to file financial disclosure reports. The Commission of Integrity (COI) is the government body charged with preventing and investigating governmental corruption nationwide (except for in the KRG, which has an Office of Governance and Integrity in the KRG's Council of Ministers). In an act of intimidation, the offices of the COI were bombed on December 22, killing 32 people.

The Joint Anticorruption Council, led by the COI, has responsibility for supervising compliance with the government's Anticorruption Strategy for 2010-14, which also seeks participation from religious and community leaders, civil society representatives, and journalists. The work of the council was generally regarded as having little appreciable impact, due to the scale of official corruption.

There was a reluctance to aggressively prosecute cases in which political militias are involved or in cases where the suspects are supported by the major political parties. Both former commissioner Raheem Uqaili and the deputy commissioner of integrity have repeatedly complained of political interference in investigations, as have most of the inspectors general (IGs). On September 9, Uqaili abruptly retired, blaming a lack of support from the prime minister. In public statements, the former

commissioner implied that he was being asked to prosecute individuals on a political basis.

Effective joint action by anticorruption institutions did not take place. Their interaction was uncoordinated because of a lack of agreement about their role, ineffective legislation, and insufficient political will. The absence of accountability continued, reinforced by several statutory provisions, unclear regulatory processes, and limited transparency. Many IGs claimed that their ministers resented and stifled their efforts at oversight and that some openly thwarted IG staff with threats of dismissal for the basic functions of oversight. Ministers ordered major corruption investigations dropped. As in previous years, ministries effectively stalled investigations by failing to comply with requests for information or officials to appear in court.

The prime minister's approval is required before corruption cases can proceed against members of the Presidency or the Council of Ministers. Information on specific instances of the prime minister and ministers withholding approval during the year was not available, although judicial authorities reported that the practice constituted a significant obstacle to the prosecution of corruption cases.

Under article 136(b) of the criminal procedure code, ministers halted approximately 200 investigations during the first three months of the year, including a corruption case against a senior Northern Oil Company official for taking bribes. No information was available about the number of times article 136(b) was invoked later in the year. The threat of invoking article 136(b) or failing to provide information was usually effective in stopping investigations until the repeal of article 136(b) went into effect in June (see sections 1.d. and 1.e.).

Political parties attempted to influence the COI on a number of prosecutions. Members of the legislature also reportedly attempted to pressure the COI on numerous occasions.

There were reports of security personnel using their positions for personal profit. According to press reports, Rahif al-Essawi, an assistant dean at Baghdad University, was arrested, beaten, and threatened with execution if he did not fraudulently certify that a police officer had graduated from his university.

There were reports that large amounts of money were fraudulently transferred abroad.

The law does not provide public access to government information for citizens or noncitizens, including foreign media.

Corruption and government transparency were major issues in the IKR. On April 26, the IKR passed legislation to establish a KRG Commission of Integrity to prosecute corruption. The commission was established on August 1 under the management of a temporary commissioner and several inspectors who lacked full authority because their names had not been submitted for parliamentary confirmation, as required by law.

On September 27, the head of the KRG's presidential anticorruption committee, Azad Malafandi, told an Internet news site that approximately 700 government-funded projects had been canceled or were being investigated as part of the KRG's reform campaign following the establishment of the Commission of Integrity. A spokesman for the commission said they had also received more than 130 cases submitted by the public and investigated half of them but had yet to disclose the results of those investigations.

The constitution provides COR members immunity from arrest unless caught in a criminal act or charged with a felony, in which case the COR may revoke immunity by a majority vote.

The media and NGOs continued to expose corruption, although their capacity to do so was limited. Anticorruption, law enforcement, and judicial officials, along with members of civil society and the media, continued to face threats and intimidation for pursuit of uncovering corrupt practices.

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

The government had a mixed record of cooperating with NGOs, and although the government expressed a willingness to cooperate with the U.N. and its agencies on human rights, it limited cooperation in practice, citing security restrictions. During the year the government's attitude toward international human rights and humanitarian NGOs was less accommodating than in the previous year. International NGOs reported greater forced evictions, difficulty in obtaining visas and government passes, repeated and intrusive inspections, and arrest and torture of locally engaged staff members. The government continued to restrict all nongovernmental investigations of alleged human rights violations, a policy that it attributed to the requirements of the security situation. Direct attacks specifically aimed at NGOs, however, remained rare.

Many domestic human rights NGOs were affiliated with and influenced by the agendas of a political party or with a particular sect, although some independent NGOs were able to operate with little or no interference. Overall, NGOs faced numerous challenges, did not meet regularly with government officials, and did not systematically serve as bulwarks against failures in governance and human rights abuses.

There were reports that the police conducted unannounced and intimidating visits to some NGOs despite the 2010 law on NGOs, which aimed to remedy this situation (see section 2.b., Freedom of Association). Tactics used to suppress NGO criticism included office raids, confiscation of equipment, and arbitrary arrests. Military intelligence arrested a representative of an international NGO at Baghdad's Tahrir Square on October 21. Authorities released him four days later without his being charged.

The Kurdish areas had an active NGO community, although most local Kurdish NGOs were closely linked to and funded by the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs.

U.N. and Other International Bodies.—Although the government expressed a willingness to cooperate with the U.N. and its agencies on human rights, it limited cooperation in practice.

In 2008 the government signed a headquarters agreement with the ICRC, granting it legal status and permanent representation in the country. The COR had not ratified the agreement by year's end, but the ICRC benefited nonetheless from its provisions.

Government Human Rights Bodies.—The Ministry of Human Rights is mandated to monitor human rights abuses and to advocate for and assist victims. It issued public reports on prisons and detention centers, minorities, and victims of terrorism. Limited resources, lack of political independence, and poor cooperation from other ministries limited the ministry's effectiveness. A lack of trained personnel and effective follow-up throughout the government limited the effectiveness of KRG human rights authorities.

A 2008 law established an Independent High Commission on Human Rights. In 2009 a Committee of Experts was formed to select the commissioners, and it began accepting nominations. After a month, its activities were suspended and did not restart until a new government was formed in December 2010. On March 29, a new committee was formed and the nomination period was reopened. At year's end the committee was reviewing the 3,068 nominations it received. The selection process, overseen by UNAMI, was considered transparent and fair.

The COR Committee on Human Rights advocated publicly for raising standards in government detention facilities and prisons, strengthening the oversight of the security ministries, and developing a set of laws that protect the rights of citizens. The KRG's legislature formed a special committee to deal with human rights and detainee issues but did not issue any public reports.

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

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits discrimination on the basis of race, disability, or social status. The government was ineffective in enforcing these provisions in practice.

Women.—Rape and Domestic Violence.—The penal code criminalizes rape but allows the case to be dropped if the offender marries the victim, permits a maximum sentence of life imprisonment if the victim dies, and does not address spousal rape. There was no reliable estimates of the incidence of rape or the effectiveness of government enforcement of the law. Due to social conventions and retribution against both the victim and perpetrator, victims of sexual crimes did not usually pursue legal remedies.

In the IKR there are no laws specifically addressing domestic violence. Under the penal code, a husband is legally entitled to punish his wife "within certain limits prescribed by law or custom." Existing laws on sexual crimes were widely unenforced, and police often viewed domestic violence as a case for family mediation instead of as a crime. On June 21, the KRG adopted the Family Violence Law criminalizing domestic violence and spousal rape, but there were no reliable estimates of its impact by the end of the year.

The new Kurdish law contains other provisions aimed at the eradication of other forms of gender-based violence. The law criminalizes and provides for imprisonment and fines for forced marriage, exchange marriage, marriage of minors, marriage in exchange for ransom, forced divorce, cutting off kinship relationships and disowning

members of family, forced prostitution, forcing family members to work or quit their jobs, suicide due to domestic violence, abortion arising from domestic violence, battering children and family members, and assaulting, insulting, or cursing family members. It also criminalizes showing perception of inferiority to, hurting, putting psychological pressure on, and violating the rights of family members. By law those found guilty of domestic violence generally face a fine of between one and five million dinars ($858 to $4,292) or between six months and three years in jail.

NGOs reported that domestic violence against women remained a serious problem. Local NGO and media reporting indicated that domestic violence often went unreported and unpunished with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of trained police and judicial personnel, further hampered efforts to bring perpetrators to justice.

The Ministry of Interior maintained two Family Protection Units in Baghdad, which focused more on family reconciliation than victim protection. Hotlines were routed directly to the male commander of the unit, and the units did not follow a regular referral system to provide victims with services such as legal aid or safe shelter. The units did refer women with physical injuries to hospitals as an investigation component.

In the IKR both public and private shelters for women existed, but space was limited and service delivery was poor, with private shelters providing a slightly higher level of service. In areas outside the IKR, NGOs ran shelters without official approval. Some NGOs provided assistance to victims through community mental health workers. Other NGOs provided legal assistance to victims. NGOs played a key role in providing services to victims of domestic violence who received no assistance from the central government. Authorities frequently attempted to mediate between women and their families—instead of utilizing legal remedies—so that the women could return to their homes. Other than marrying or returning to their families (which often resulted in the family or community victimizing the shelter resident again), there were few options for women who were housed at shelters.

Sex Tourism.—The IKR Family Violence Law, passed by the IKP on June 21, with entry into force on July 1, bans FGM in the IKR, but the central government did not have a similar law. The KRG has done little to enforce the new FGM law, and FGM occurred at a rate of up to 80 percent in some parts of the IKR. According to the German NGO Wadi (Development Now), the practice also occurs in other parts of the country, such as Basrah.

Other Harmful Traditional Practices.—Honor killings remained a serious problem throughout all parts of the country. The penal code of 1969 permits honor considerations to mitigate sentences.

Statistics published by the KRG Ministry of Interior in 2010 stated that there were 102 incidents of women burned in and around Erbil Province alone. Sixty-five percent of these cases were still under investigation during the year. Women who committed self-immolation had been previously victimized, but police investigated only a small number of women's burn cases. The KRG reported that during the year 76 women were killed or committed suicide, while 330 were burned or self-immolated, but a number of NGOs, including the Organization for Women's Freedom in Iraq, stated that such estimates were low.

Sexual Harassment.—The law prohibits sexual relations outside of marriage, including rape or sexual solicitation that may occur during sexual harassment. The penalties include fines and imprisonment. The criminal code provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement. Due to social conventions and retribution against both the victim and perpetrator of sexual harassment, victims of sexual harassment did not usually pursue legal remedies. Because of the unequal social status of women and their fear of telling close relatives, victims rarely filed police complaints against the offenders.

Reproductive Rights.—The government generally respected the basic rights of couples and individuals to decide the number, timing, and spacing of children free from discrimination, coercion, and violence. There were no legal impediments to access to information on family planning, contraception, and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care. However, due to general insecurity in the country and attendant economic difficulties, many women received inadequate medical care due to a lack of essential drugs, lack of transport to referral institutions, and medical personnel lacking training in emergency obstetric care. Women were at increased risk of early marriage, early pregnancy, poor birth outcomes with high rates of anemia, and short birth intervals.

Discrimination.—Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to enjoy the same legal status and rights as men. Throughout the country, women reported increasing pressure to wear headscarves, usually in conservative and rural areas. There were reports of female students questioned at the gates of Baghdad University when they were not wearing a headscarf. Female government employees were often pressured to wear, or questioned about not wearing, headscarves. Conservative citizens publicly harassed or intimidated women for undertaking activities such as driving a car, walking with friends, and wearing trousers or jewelry, in an effort to force them to remain at home, wear headscarves, and adhere to a conservative interpretation of Islam.

Women experienced economic discrimination in access to, and in terms of, employment, occupation, credit, and pay equity for performing similar work or managing similar businesses as men. The security situation disproportionately affected women's ability to work outside the home. Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. Government efforts to combat economic discrimination against women were minimal and unsystematic. Despite the existence of a widow stipend program through the Ministry of Labor and Social Affairs, excessive and confusing bureaucratic procedures and significant processing delays impeded an estimated one to three million war widows from accessing social support.

The Ministry of State for Women's Affairs, with an approximately 20-person professional staff, functioned primarily as an advisory office without an independent budget or the ability to hire more employees.

Children.—Birth Registration.—The constitution states that anyone born with at least one citizen parent is a citizen. Failure to register births resulted in the denial of public services such as education, food, and health care. To register a birth, authorities require a marriage certificate and identification from both parents or a death certificate if a parent is deceased. Single women and widows often have problems registering their children. The government was generally committed to children's rights and welfare, although it denied benefits to noncitizen children. Their families had to pay for services that were otherwise free, such as public schools and health services. Except for several hundred Palestinian families displaced during the 1948 or 1967 wars, noncitizens were not eligible for the national food rationing program.

Education.—Primary education is compulsory for citizen children for six years and free for them at all levels. The net enrollment rate for children aged six to 11 was 91 percent for boys and 82 percent for girls. Ninety-six percent of the boys and 94 percent of the girls who entered the first grade eventually reached fifth grade. Female education remained a challenge, particularly in rural areas and areas facing high levels of insecurity.

Child Abuse.—A June 21 IKR law (see section 6, Women) banned child marriage and the forcing of children to drop out of school, often to work or beg. The impact of the ban was unknown at year's end. The central government did not have similar laws in place to criminalize child abuse (see section 7.c.).

Harmful Traditional Practices.—Despite being banned, FGM among children remained a common practice particularly in rural areas of the IKR and other areas of the country where Kurdish communities lived.

Child Marriage.—Although no statistics were available, a tradition of marrying young girls (as young as 14 years old) reportedly continued, particularly in rural areas. The minimum marriage age is 14 with parental permission and 18 without.

Sexual Exploitation of Children.—Sexual relations outside of marriage for any reason are prohibited. Because sex outside marriage is always illegal, the age of consensual sex is de facto the minimum marriage age. Pornography of any kind, including child pornography, is prohibited. Girls were sexually exploited through the use of temporary marriages, by which the family of the girl receives money in the form of a dowry in exchange for permission to marry the girl for a limited period of time. Child prostitution is a significant problem. Because the age of legal responsibility is nine in the central region and 11 in the IKR, children are liable to be treated as criminals instead of victims.

Displaced Children.—Within the IDP population, there were children living on the streets (see section 2.d.).

International Child Abductions.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—Fewer than 10 Iraqi Jews remained in Baghdad, and none were known to live in other parts of the country.

The criminal code stipulates that any person who promotes Zionist principles, associates himself with Zionist organizations, assists such organizations by giving material or moral support, or works in any way towards the realization of Zionist objectives is subject to punishment by death. There were no examples of application of this law since the fall of the regime of Saddam Hussein.

There were no reports of anti-Semitic acts.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The constitution states that the government, through laws and regulations, should care for and rehabilitate persons with disabilities and special needs in order to reintegrate them into society. There are no laws, however, prohibiting discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Access for persons with disabilities to buildings and in educational and work settings remained inconsistent.

The government has programs to help persons with disabilities. However, numerous media reports documented the challenges these programs faced, including large special needs populations and the lack of qualified, trained personnel. Amputees, persons with other major physical injuries, and persons with mental/psychological trauma were the focus of most media reports. The Ministry of Health provided medical care, benefits, and rehabilitation, when available, and persons with disabilities could qualify for benefits from other agencies, including the Prime Minister's Office. The Ministry of Labor and Social Affairs operated several institutions for children and young adults with disabilities, although the quality of care was unknown. The Ministry of Health's most recent estimate of the number of persons with physical and mental disabilities was two to three million, approximately 10 percent of the population.

National/Racial/Ethnic Minorities.—The country's population includes Arabs, Kurds, Turkmen, as well as religious minorities including Chaldeans, Assyrians, Armenians, Yezidis, Sabean-Mandaeans, Baha'i, Shabak, Kakai, and a small number of Jews. Many consider the Assyrians and Chaldeans to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs. The country also has citizens of African descent, "Black Iraqis," a population that community representatives estimated to number more than one million.

The constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of citizens to educate their children in their mother tongue, such as Turkmen, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines or in any other language in private educational institutions.

During the year discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities, including Turkmen, Arabs, Yezidis, and Assyrians, in the disputed territories under the de facto control of the KRG. According to these reports, authorities denied services to some villages, arrested minorities without due process, took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Tameem frequently charged that Kurdish security forces targeted Arabs and Turkmen.

Within the three provinces of the IKR, there was little evidence of sanctioned government discrimination against religious and ethnic minorities, although there have been complaints that KRG authorities have been slow to return land confiscated by the previous regime that had belonged to Christian churches and Christian farmers. Minority communities operated their own schools and were represented both in the parliament and executive branch of the KRG.

However, incidents of societal violence against minorities in the IKR did occur. On December 2, between 300 and 1,000 rioters attacked legally operating businesses owned by Christians and Yezidis in Dohuk Province. The rioters burned or destroyed 26 liquor stores, a massage parlor, four hotels, and a casino. The riot followed midday prayers at the Rasheed Mosque in Zakho where the imam had allegedly denounced the businesses as anti-Islamic and had incited followers to attack them. In addition to promising compensation for those who suffered damages to property and businesses, President Barzani ordered the formation of an investigation committee, which concluded that some followers of the KIU "emboldened the violence" against Christian businesses, that some leaders of the KDP "failed to control their members from attacking KIU organization centers," and that Dohuk Province security and administrative officials were "negligent" in their control of the sit-

uation. As of year's end, no one had been compensated for property lost or destroyed.

According to press reports, Palestinians continued to experience arrest, detention, harassment, and abuse by authorities. A 2006 citizenship law prevents Palestinians from obtaining citizenship and Jews who emigrated to other countries from reclaiming citizenship.

Black Iraqis reported widespread economic and social discrimination. Black Iraqi leaders estimate that more than 20 percent of the Black Iraqi population was unemployed, compared to an overall unemployment rate of 15 percent. Minority Rights Group International reported that many were laborers or worked as domestic workers.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There was no law specifically prohibiting consensual same-sex sexual activity, although the penal code prohibits sodomy, irrespective of gender. There were no data on prosecutions for sodomy. Due to social conventions and retribution against both victim and perpetrator of nonconsensual same-sex sexual conduct and persecution against participants in consensual same-sex sexual conduct, this activity was generally unreported.

In light of the law, the authorities relied on public indecency charges or confessions of monetary exchange, (i.e., prostitution, which is illegal) to prosecute same-sex sexual activity. Lesbian, gay, bisexual, and transgender (LGBT) persons often faced abuse and violence from family and nongovernmental actors. UNAMI reported that at least six individuals were killed because of their perceived sexual orientation and that an NGO relocated a 17-year-old boy after his family attempted to kill him because they thought he was gay. The procedures used to arrest LGBT persons also were used to arrest heterosexual persons involved in sexual relations with persons other than their spouses.

Due to social conventions and potential persecution, including violent attacks, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Societal discrimination based on sexual orientation and gender identity in employment, occupation, and housing was common. Information was not available regarding discrimination in access to education or health care due to sexual orientation or gender identity. There were no government efforts to address this discrimination.

At year's end authorities had not announced any arrests or prosecutions of any persons for violence against LGBT individuals.

Other Societal Violence or Discrimination.—There were no reports of physical violence against persons with HIV/AIDS, but the topic was socially sensitive and not discussed publicly. Militias harassed and threatened persons with HIV/AIDS on the grounds that being infected was "evidence of sin." The government worked to decrease discrimination through public education campaigns and provided medical care to persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The 2005 constitution states that citizens have the right to form and join unions and professional associations, as well as to demonstrate and strike peacefully in accordance with the law; however, the1987 labor code and later decrees place severe limitations and conditions on freedom of association, the right to strike, and collective bargaining, particularly in the public sector. Under the labor code, the right to organize is extremely limited, and there is no provision for the right to strike.

Though the labor code provides for public sector unions, Resolution 150 of the 1987 code eliminates unions and the right of association from the public sector and state-owned enterprises and also bars all public sector strikes. Workers in essential services are expressly prohibited from striking as well. The law allows private sector employees to form workers' committees, with limited rights, in worksites employing more than 50 workers. The large majority of private sector businesses in the country employed fewer than 50 workers. Private sector unions have the right to seek government arbitration for labor disputes but not the right to strike.

The law does not protect the right to collective bargaining. Additionally, the law does not specifically prohibit antiunion discrimination by employers or others, nor does it provide reinstatement for workers fired for union activity.

The labor law states that Arab workers should be treated like citizens but does not provide for the rights of other migrant workers. Domestic servants and agricultural workers are excluded from certain provisions of the labor law.

By law the establishment of unions or federations outside the General Federation of Iraqi Workers (GFIW) is prohibited. However, in practice there were five major unions and federations in the country: GFIW, the Federation of Workers' Councils

and Unions in Iraq, the General Federation of Trade Unions and Workers Council in Iraq, the Kurdistan United Workers Union, and the Iraq Federation of Oil Unions. Although unions other than the GFIW were not "official" unions, the government tolerated their existence, according to a union leader.

Decree 8750 of 2005, which cancelled unions' leadership boards and froze their assets, further restricted union activity by prohibiting unions from holding funds, collecting dues, and maintaining assets.

The 1987 labor code effectively ruled out the existence of labor unions able to carry out free and independent union activity and prevented independent organizing and collective bargaining in the public and private sectors.

Freedom of association and the right to collective bargaining were not respected in practice. The government did not effectively enforce the law and frequently interfered in union activities, especially in the public and oil sectors. Antiunion discrimination occurred in the private sector as well, and employers interfered in union functions and threatened or punished workers for union activity.

In April the government derecognized and attempted to take over the structures and assets of the GFIW in order to interfere with its elections. Created in 2005, the GFIW is comprised of 12 national unions and was previously the only trade union officially recognized by the government. According to a senior leader of a labor union, the government also created a committee to oversee and monitor labor union elections.

Strikers were harassed and threatened for striking during the year. Ministries and state-owned enterprises used fines and forced transfers to punish labor activists and discourage union activity. For example, when oil workers struck in Basrah, several union leaders were forced to relocate to the north as a tactic to prevent future striking activity. Elsewhere in the oil sector, workers faced outsize fines for participating in peaceful demonstrations. Labor unions reported being charged under the antiterrorism law by the Ministry of Interior if they attempted to organize a strike. Furthermore, unions made serious allegations that the government attempted to assassinate union leaders during the year.

Firas 'Ali, a union activist, was detained by members of the armed forces while he was at the Baghdad office of the Federation of Workers' Councils and Unions in Iraq on April 13. He was released on April 27.

Because unions had no legal power to negotiate with employers, proactive protection of workers' rights through collective bargaining was not possible. The absence of collective bargaining and collective contracts at national and local levels significantly diminished unions' power to defend workers' rights pertaining to their access to social protection. Some unions were able to play a supportive role in labor disputes, and they had the right to demand government arbitration, a process the government only recently began to address in its commercial courts and judicial training. Government labor courts were empowered to rule on labor code violations and disagreements.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, but the government did not effectively monitor or enforce the law. Migrant workers occasionally were subjected to forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The constitution and law prohibit the worst forms of child labor. However, the government did not monitor or enforce these laws effectively, and child labor remained a problem. Despite laws against child labor, children often worked illegally on farms or in street commerce. In accordance with the labor law, MOLSA established an inspection service to ensure compliance with the law as it relates to prohibitions on child labor in the private and public sector.

The law limits working hours for persons younger than 18 and prohibits their employment in dangerous occupations. The minimum age for employment is 15. The law prohibits employment of anyone younger than 16 in work that is detrimental to health, safety, or morals. Article 34 of the constitution guarantees the right of free education and citizen children are required to attend school until age 11. This left children ages 12 to 15 vulnerable to child labor, as they were not required to be in school but were not permitted to work. Children employed in family enterprises were exempt from some protections with regard to employment conditions (see section 6).

A 2010 survey by the Kurdistan Safe Children Organization (KSC) put the number of children engaged in illegal labor activities in all three IKR provinces at 12,479 and developed a program to minimize this practice. In cooperation with local authorities in the IKR, KSC supplemented the income of families with children vul-

nerable to child labor. The KMOLSA assumed management of this program during the year.

Data on child labor was limited. Poor families routinely used child labor to augment their incomes. This work often took the form of seasonal labor in rural areas, or begging or peddling in urban settings. There were anecdotal reports of children performing hazardous work in family-owned automobile shops or on construction sites. Unconfirmed reports alleged the sale of children for indentured servitude. Sunni and Shia militias, as well as al-Qaida in Iraq, recruited and used children for spying, working as couriers, scouting, and planting improvised explosive devices.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The national minimum wage for a skilled worker was less than 12,000 dinars (approximately $10) per day and for an unskilled worker less than 5,250 dinars ($4.50) per day. Wages were set by contract in the private sector and by the government in the public sector. The Central Organization of Statistics and Information Technology reported that the average salary in 2009—the latest year for which information was available—was approximately 2.4 million dinars ($2,060) per year, an increase over the previous year's figure of 1.78 million dinars ($1,528). These earnings remained two to three times poverty level, defined in the 2009 Central Organization of Statistics and Information Technology report as 923,000 dinars ($792) per person per year.

The standard workday is eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required. Regulations on working conditions existed but were almost entirely unenforced.

The legal and regulatory framework, combined with the country's high level of violence and insecurity, high unemployment, a large informal sector, and lack of decent work standards, resulted in unacceptable conditions for many workers. The MOLSA Labor Directorate had jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations. The ministry's occupational safety and health component staff were located throughout the country. Labor union leaders urged more training in occupational health and safety due to the large number of on-the-job injuries, especially for manual laborers. There were no significant government efforts to address violations or improve wages and working conditions during the year.

There was little information available on the number of foreign workers in the country. Migrant workers have no legal protections. Some foreign workers in the country were subjected to abusive treatment and conditions associated with forced labor, including confiscation of travel and identity documents, restrictions on movement and communication, physical abuse, sexual harassment and rape, withholding of wages, forced overtime, and hazardous working conditions. The Ministry of Interior, in coordination with MOLSA, reviewed applications for special worker status. According to MOLSA, most migrant applications were denied to protect domestic workers and industry.

A lack of oversight and monitoring of employment contracts left foreign and migrant workers vulnerable to exploitative working conditions. From December 2010 through October 2011, 35 Ukrainian and Bulgarian construction workers lived on an abandoned construction site in the International Zone. Their employer had promised to pay them $2,500 per month, but then reneged on the contract and left the workers stranded, without back pay or proper documentation to return to their home countries. The IOM eventually aided the workers and provided humanitarian assistance until they were able to repatriate in October.

The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment; however, this right was not afforded to civil servants or migrant workers, who made up the majority of the country's workforce.

ISRAEL AND THE OCCUPIED TERRITORIES

EXECUTIVE SUMMARY

Israel is a multiparty parliamentary democracy. Although it has no constitution, Israel's parliament, the unicameral 120-member Knesset, has enacted a series of "Basic Laws" that enumerate fundamental rights. Certain fundamental laws, orders, and regulations legally depend on the existence of a "State of Emergency," which has been in effect since 1948. The Knesset has the power to dissolve the government

and mandate elections. The 2009 nationwide Knesset elections, considered free and fair, resulted in a coalition government led by Prime Minister Benjamin Netanyahu. Israeli security forces reported to civilian authorities. (An annex to this report covers human rights in the occupied territories. This report deals with human rights in Israel and the Israeli-occupied Golan Heights.)

The most significant human rights issues during the year were terrorist attacks against civilians; institutional and societal discrimination against Arab citizens—in particular issues of access to housing and employment opportunities; and societal discrimination and domestic violence against women.

The government generally protected religious freedom, although there was institutional and societal discrimination against non-Orthodox Jews and some minority religious groups. The government ceased the practice of immediately returning African asylum seekers who reached the country through Egypt but continued to deny many asylum seekers individual refugee status determinations, which impacted their ability to work or receive basic social services, including health care. Societal discrimination and lack of accessibility persisted for persons with disabilities. Serious labor rights abuses against foreign workers were common, and there were reported cases of trafficking for labor purposes.

The government took steps to prosecute and punish officials who committed abuses in the country regardless of rank or seniority.

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

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

Terrorist groups routinely fired rockets and mortars into Israel during the year. There were 924 terrorist attacks against citizens, both from the West Bank and the Gaza Strip, which included the firing of 388 rockets and 247 mortar shells from the Gaza Strip into Israel (compared with a total of 235 in 2010). In total 25 persons were killed and 119 were injured in these attacks. For example, on April 7, an antitank missile fired from the Gaza Strip hit a school bus in southern Israel, killing one student. On August 18, a Sinai-based group of gunmen crossed the Egyptian border into the country and killed eight citizens near the city of Eilat.

The IDF continued to investigate allegations relating to the 2008-09 Operation Cast Lead military incursion into the Gaza Strip. Since 2009 the military advocate general launched 52 military police criminal investigations into IDF conduct during the incursion. The military advocate general filed three indictments in previous years, two of which resulted in convictions. One case continued at year's end. The military advocate general also internally disciplined at least six officers in connection with actions during Operation Cast Lead.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not refer to a specific crime of torture but prohibits acts such as assault and pressure by a public official. A 1999 High Court of Justice ruling held that, although torture and the application of physical or psychological pain are illegal, Israel Security Agency (ISA) interrogators may be exempt from criminal prosecution if they use such methods in extraordinary cases determined to involve an imminent threat or "ticking bomb" scenario. Human rights organizations alleged that these methods in practice included beatings, forcing an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. NGOs continued to criticize these and other detention practices they termed abusive, including isolation, sleep deprivation, and psychological abuse, such as threats to interrogate family members or demolish family homes.

Prison and Detention Center Conditions.—The law provides prisoners and detainees the right to conditions that do not harm their health or dignity. Conditions in Israel Prison Service (IPS) facilities generally met international standards according to international and domestic NGOs. All prisoners had access to potable water. (Conditions in four facilities for detainees are covered in the annex.)

According to a December 2010 Haaretz article, there were on average 13 deaths per year from suicide, murder, or neglect in prisons over the past decade. The IPS increased staff training and monitoring of cells to combat this phenomenon. Two cases of deaths from suicide were recorded during the year. At year's end the police and prison service were conducting separate investigations into the causes of the deaths.

As of December 14, there were 17,755 prisoners in IPS facilities. According to IPS figures reported by the nongovernmental organization (NGO) B'Tselem, at year's end there were 307 administrative detainees in IPS detention centers. Seventeen

had been detained for between two and four and a half years. One had been detained for more than five years (see section 1.d., Arrest Procedures and Treatment While in Detention). None of them were minors. Prison conditions were equal for male and female prisoners.

Prisoners and detainees had reasonable access to visitors, including through a program of the International Committee of the Red Cross (ICRC) that brought relatives from the West Bank into the country for prison visits. The government stopped a similar program for visitors from the Gaza Strip following the 2007 Hamas takeover of the Gaza Strip, maintaining that such visits did not constitute a humanitarian need. Travel restrictions into the country affected some Palestinian prisoners' access to visitors and lawyers. Prisoners were permitted religious observance.

The law allows prisoners to submit a petition to judicial authorities in response to substandard prison conditions, and the authorities investigated credible allegations of inhumane conditions and documented results of such investigations publicly. In addition, the state comptroller investigates public complaints against government institutions, including the prison service. The law allows for alternatives to sentencing for nonviolent offenders, including community service.

The ICRC regularly monitored IPS facilities, interrogation facilities, and the two IDF provisional detention centers in accordance with standard modalities but did not monitor security detainees in military detention centers. The government also permitted the Israel Bar Association and Public Defenders' Office to inspect IPS facilities, and they did so during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for all citizens. Non-Israeli residents of the Israeli-annexed Golan Heights were subject to the same laws as Israeli citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel (see annex).

Role of the Police and Security Apparatus.—Under the authority of the prime minister, the ISA combats terrorism and espionage in the country and the occupied territories (see annex). The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Civilian authorities maintained effective control over the ISA and police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. The military is responsible for external security and has no jurisdiction over citizens.

Arrest Procedures and Treatment While in Detention.—Criminal suspects are apprehended with warrants based on sufficient evidence and issued by an authorized official. Authorities generally informed such persons promptly of charges against them. The law allows authorities to detain suspects without charge for 24 hours before bringing them before a judge, with limited exceptions allowing for up to 48 hours. Authorities respected these rights in practice. Authorities allowed detainees to consult with an attorney in a timely manner, including one provided by the state for the indigent, and to contact family members promptly. A functioning bail system exists, and a decision denying bail can be appealed.

As a general practice, noncitizens of Palestinian origin detained for security violations were either granted or denied bail according to the circumstances of each case, severity of the offenses, status as a minor if relevant, risk of escape, and other factors. Persons detained on security grounds fall under one of three legal regimes.

First, under a temporary law on criminal procedures that has been repeatedly renewed, the IPS may hold individuals suspected of a security offense for 48 hours before being brought to a judge, with limited exceptions allowing up to 96 hours before being brought to the senior judge of a district court. The law allows the court to authorize holding a detainee for up to 20 days without an indictment in exceptional cases for interrogation.

Second, the 1979 Emergency Powers Law allows the Defense Ministry to detain persons administratively without charge for up to six months, renewable indefinitely. Administrative detention was used as an exception when intelligence sources could not be presented as evidence in regular criminal proceedings. An administrative detainee has the right to appeal any decision to lengthen detention to a military court of appeals and ultimately to the Supreme Court. According to the government, many cases were appealed to the Supreme Court. The military courts may rely on classified evidence denied to detainees and their lawyers when determining whether to prolong administrative detention.

Third, the 2002 Illegal Combatant Law permits holding a detainee for 14 days before review by a district court judge, denying access to counsel for up to 21 days with the attorney general's approval, and allowing indefinite detention subject to

twice-yearly district court reviews and appeals to the Supreme Court. As of November authorities held only one Palestinian resident of the Gaza Strip in detention under the Illegal Combatant Law.

The law provides that foreign nationals suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no assurance of, legal representation. According to the NGO Hotline for Migrant Workers (Hotline), interpreters in Ketziot, where most asylum seekers were detained, were rarely present during hearings.

The president pardoned and the government released from prison 1,021 Palestinians, five Israeli Arabs, and one Syrian prisoner through transfers on October 18 and December 18. They were released in exchange for Hamas' release of IDF soldier Gilad Shalit, whom terrorists kidnapped during a 2006 cross-border attack from the Gaza Strip.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government respected this provision in practice.

Trial Procedures.—Defendants enjoy the right to presumption of innocence and the right to consult with an attorney, or if indigent, to have one provided at public expense. Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party or witness's right to privacy, or a sexual offense victim. There are no trials by jury. Defendants have the right to confront witnesses against them and present witnesses and evidence on their behalf, access evidence held against them (except when the court determines such access would compromise national security), and appeal to the Supreme Court. Although the government may withhold evidence from defense lawyers on security grounds, the evidence must be made available to the court. The annex covers military court trials of Palestinians and others in the occupied territories.

At the discretion of the court, security or military trials may be open to independent observers but not to the general public.

Military courts provide some, but not all, of the procedural rights granted in civil criminal courts. The 1970 evidentiary rules governing trials of Palestinians and others applicable in the occupied territories under military law are the same as evidentiary rules in criminal cases. According to the Ministry of Justice, the law does not permit convictions to be based solely on confessions. In military trials prosecutors often present secret evidence that is not available to the defendant or counsel. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials, but in practice almost all detainees had counsel even in minor cases. The defendant and public are read the indictment orally in Hebrew and, unless the defendant waives this right, in Arabic. In past years many written indictments were translated into Arabic, but, since according to the government no requests for translations were made, the practice during the year was to provide written translations of indictments into Arabic only upon request. At least one interpreter is present for simultaneous interpretation in every military court hearing, unless the defendant waives that right. Defendants can appeal through the Military Court of Appeals and petition the High Court of Justice.

Political Prisoners and Detainees.—There were no reports of citizen political prisoners or detainees. NGOs alleged there were noncitizen political detainees, but the government maintained that it only held prisoners on criminal and security grounds (see annex).

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders were usually enforced. By year's end the attorney general had yet to enforce the 11 contempt of court ordinances and Supreme Court rulings that the former deputy attorney general had noted in February 2010 were unimplemented.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected those prohibitions in practice. Separate religious court systems adjudicate matters such as marriage and divorce for the Jewish, Muslim, Christian, and Druze communities. Civil marriages, marriages of some non-Orthodox Jews, marriages in non-Orthodox ceremonies, marriage of a Jew to a non-Jew, or marriage of a Muslim woman to a non-Muslim must take place outside the country to be considered legal. Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 322,000 citizens, who immigrated either as Jews or as family members of Jews, are not considered Jewish by the Orthodox Rabbinate and cannot be married, divorced, or buried in Jewish cemeteries within the country. A law requir-

ing the government to establish civil cemeteries has not been fully implemented, although eight civil cemeteries exist.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Freedom of Speech.—Individuals may criticize the government publicly and privately without reprisal. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations. On July 11, the Knesset passed legislation that permits civil cases for damages against citizens who publicly and knowingly advocate for anti-Israel boycotts. Israeli NGOs challenged the constitutionality of this law in a petition to the High Court, and the law was not being implemented pending the court's ruling.

Freedom of Press.—The independent media were active and expressed a wide variety of views without restriction, although the prohibitions on airing content liable to incite to discrimination on ground of race, origin, religion, nationality, and gender also applied to media.

Censorship or Content Restrictions.—All media organizations must submit to military censors any material relating to specific military issues or strategic infrastructure issues, such as oil and water supplies. The censor's decisions may be appealed to the High Court of Justice, and the censor cannot appeal a court judgment. The Interior Ministry has no authority over the military censor.

News printed or broadcast abroad is subject to security censorship. The government did not fine newspapers or other mass media for violating censorship regulations during the year.

Internet Freedom.—There were no government restrictions on access to the Internet. The government monitored e-mail and Internet chat rooms for security purposes.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedoms of assembly and association, and the government respected these rights in practice.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government respected these rights in practice for citizens (see annex). The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to some refugees, asylum seekers, and other persons of concern. At year's end 175 asylum seekers with disputed nationalities remained in detention pending formal decisions on whether to grant conditional release visas or to deport them, according to the UNHRC.

Foreign Travel.—Citizens generally were free to travel abroad provided they had no outstanding military obligations and no administrative restrictions. The government may bar citizens from leaving the country based on security considerations. No citizen is permitted to travel to any state officially at war with the country without government permission. All citizens required a special permit to enter "Area A" (the area, according to the Interim Agreement, in which the Palestinian Authority exercises civil and security responsibility), although the government allowed Arab citizens access without permits. On March 7, the High Court responded to a 2007 petition by the Association for Civil Rights in Israel and Adalah regarding alleged ethnic profiling by asking the government to explain why security officials discriminated against Israeli Arabs during airport screenings. On May 26, the government rejected the claim of discrimination and stated that the security examination procedures were effective in achieving the goal of foiling terrorism.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of temporary asylum, and the government has established a system for providing temporary protection for most asylum seekers; however, there were complaints about the system's accessibility and reports of discrimination. The UNHRC and NGOs criticized new asylum regulations released on January 2 that require applicants to submit claims within one year of arriving in the country, allow the Min-

istry of Interior to reject applications without appeal even at the registration stage, and exclude "enemy nationals" from receiving asylum. The regulations fail to establish an independent appeal process.

Sudanese and Eritrean asylum seekers, who constituted approximately 85 percent of all asylum seekers in the country, were not allowed access to asylum procedures but were given renewable "conditional release" documents that deferred deportation and had to be renewed every few months. According to the UNHRC, during the year there were 4,603 new asylum applications; the government rejected 3,692 and approved one. There were 6,412 previous cases that remained pending at year's end.

Persons held in immigration detention rarely were released prior to judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, the individual could remain in detention for months.

Government officials often negatively referred to asylum seekers as "infiltrators." According to NGOs, officials periodically characterized asylum seekers as directly associated with rises in crime, disease, and terrorism. On December 8, in an interview with Army Radio, Minister of Interior Eli Yishai said, "I will safeguard the Jewish majority of the state, and I ensure that the last of the Sudanese, and the Eritreans, and all of the infiltrators, to the last of them, will return to their countries."

Nonrefoulement.—The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom could be threatened. In March the government declared the suspension of the "hot returns" procedure of immediately returning African asylum seekers across the border to Egypt. According to an IDF affidavit to the Supreme Court, there were 119 cases of "hot returns" through the first week of March. On July 7, the Supreme Court rejected a petition filed by several NGOs against the "hot return" procedure. It stated that the government's decision to suspend the practice rendered the petition moot but emphasized that the ruling was not a decision on the legality of the practice, nor did it preclude future petitions should the government resume the practice. In August the Refugee Rights Clinic and Hotline for Migrant Workers filed a complaint to the IDF legal advisor regarding several credible reports of instances of return of asylum seekers to Egypt in violation of the government's declaration. The IDF opened an investigation of the allegations, which was pending at year's end. No credible reports of "hot returns" were received after August.

Employment.—Recognized refugees were given renewable work visas, but renewable documents given to most asylum seekers explicitly stated, "This is not a work visa." In practice, however, the government informally allowed asylum seekers to work. On December 4, Prime Minister Netanyahu announced that the government would begin to enforce the prohibition on asylum seekers working. On December 11, the cabinet passed a series of measures that included a request that authorities pursue cases against employers of asylum seekers.

Access to Basic Services.—Recognized refugees received social services, including access to the national healthcare system, but the government did not provide asylum seekers with public social benefits such as health insurance. NGOs were critical of the process of victim identification and the lack of medical treatment upon arrival for asylum seekers who had been abused, raped, and tortured in Egypt. The UNHRC and NGOs advocated for greater access to health and social services for asylum seekers, particularly victims of abuse. In July the Refugee Rights Clinic and Hotline for Migrant Workers filed a petition in the Be'er Sheva District Court regarding the segregation of children of asylum seekers in the city of Eilat, who were not accepted into the school system but forced to study in a makeshift school outside of Eilat's municipal boundary. The case was pending at year's end.

Temporary Protection.—The government provided temporary protection primarily to Eritrean and Sudanese asylum seekers, and at times to asylum seekers from the Democratic Republic of Congo, Ivory Coast, and Somalia.

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

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

Elections and Political Participation.—Recent Elections.—Parliamentary elections held in 2009 were considered free and fair.

Political Parties.—The Basic Law prohibits the candidacy of any party or individual that denies the existence of the State of Israel as the state of the Jewish peo-

ple or the democratic character of the state, or that incites racism. Otherwise, political parties operated without restriction or interference.

Participation of Women and Minorities.—Women and minorities were participants in political life on the same legal basis as men or nonminority citizens. Although the senior leaders have traditionally come from the predominantly male IDF, women generally do not face cultural barriers in politics, including in leadership positions up to prime minister. Women face significant cultural barriers in political parties representing conservative religious movements and the Arab minority. At year's end the 120-member Knesset had 24 female and 14 Arab members. The 30-member cabinet included three women but no Arabs; two women and one Arab were deputy ministers. Five members of the 15-member Supreme Court, including its president, were women. One Arab was a justice of the Supreme Court.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government implemented these laws effectively. There were reports of government corruption during the year, although impunity was not a problem. The media routinely reported on corruption. The National Police, the state comptroller, the attorney general, and the accountant general are responsible for combating official corruption. Senior officials are subject to comprehensive financial disclosure laws.

During the year the government investigated and prosecuted several senior political figures for alleged misconduct. NGOs focused on anticorruption efforts operated freely without government interference. On September 5, an unknown assailant stabbed in the face and leg a Bedouin lawyer for the Movement for Quality Government in Israel as an apparent reprisal for his investigating local corruption in Israeli Arab municipalities in the Negev.

On August 4, police interrogated a Supreme Court justice as a suspect in a criminal case. Justice Yoram Danziger took a leave of absence from the court before questioning that centered on his former activities and fees as a private lawyer in connection with Bat Yam mayor Shlomo Lahiani, whom police were investigating for bribery, fraud, and breach of trust.

The law requires governmental agencies to make their internal regulations, administrative procedures, and directives available to the public.

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

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Human rights NGOs have standing to petition the High Court directly regarding governmental policies and can appeal individual cases to the Supreme Court. Government officials were cooperative to widely varying degrees, and some routinely invited domestic NGOs, including those critical of the government, to participate in Knesset hearings on proposed legislation. A unit in the foreign ministry maintained relations with certain international and domestic NGOs.

During the year the Ministry of Interior barred entry into the country to foreign nationals affiliated with certain pro-Palestinian human rights NGOs and solidarity organizations. The government stated this was done on an individual basis, not according to the activities or platform of the NGOs with which these persons were affiliated.

U.N. and Other International Bodies.—The government cooperated with U.N. and other international bodies. In December the government hosted the Human Rights Council's Special Rapporteur on Freedom of Expression.

Government Human Rights Bodies.—The state comptroller also served as ombudsman for human rights issues. The ombudsman investigates complaints against statutory bodies that are subject to audit by the state comptroller, including government ministries, local authorities, state enterprises and institutions, government corporations, and their employees. The ombudsman is entitled to use any relevant means of inquiry and has the capacity to order any person or body to assist in the inquiry.

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, and the government was generally effective in enforcing these prohibitions.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a felony, punishable by 16 years in prison. The law doubles the penalty if the perpetrator assaults or rapes a relative. The government reported 727 cases opened due to rape complaints through October. The government effectively enforced rape laws during the year. As of September women filed 11,886 domestic violence complaints with po-

lice, of which at year's end 556 were still being investigated, 2,758 were transferred to the State Attorney's Office, 1,291 were heard by courts, and 7,281 were closed. According to the Association of Rape Crisis Centers in Israel, the majority of rape victims do not report the crime to the authorities due to social and cultural pressure. Women from certain Orthodox Jewish, Muslim, and Druze communities face significant social pressure against reporting rape or domestic abuse.

On November 10, the Supreme Court rejected former president Moshe Katsav's appeal of his 2010 rape conviction, and he began serving his seven-year prison sentence on December 7. In January, the month following his conviction, a record number of women sought services at rape crisis centers, according to the Association of Rape Crisis Centers in Israel. The association reported that 42 percent of calls dealt with rape or attempted rape, 23 percent with incest, 10 percent reported indecent acts, and 8 percent reported sexual harassment at work.

The Ministry of Social Affairs operated a battered women's shelter and an abuse reporting hotline. The police operated a call center to inform victims about their cases. Women's organizations provided counseling, crisis intervention, legal assistance, and shelters.

Harmful Traditional Practices.—Several "honor" killings occurred within the Arab community. Police continued investigating Ramadan and Khaled Musrati, arrested in October 2010 on suspicion of involvement in four murders in Lod, where the victims were killed for allegedly being in relationships that members of their families viewed as inappropriate.

Sexual Harassment.—Sexual harassment is illegal but remained widespread. According to a survey directed by the Tel Aviv Municipality Committee for Advancing the Status of Women, 83 percent of Tel Aviv women reported being sexually harassed at least once in their lifetime. The law requires that suspected victims be informed of their right to assistance. Penalties for sexual harassment depend on the severity of the act and whether blackmail is involved, and range from two to nine years' imprisonment. Police investigated 327 cases of sexual harassment during the year and by year's end transferred 66 cases for prosecution while continuing to investigate 108 cases. Three cases were heard by the courts, and the rest were closed for lack of evidence. Police notify all victims of their right to be assisted by the Association of Rape Crisis Centers in Israel, and the law ensures victims can be informed of the progress on their cases through a computerized system and information call center.

"Modesty patrols" continued to harass women in some "haredi" (also known as ultra-Orthodox) neighborhoods, according to NGOs and local media. There were reports of segregation of women and men in public spaces, including at public health clinics in haredi neighborhoods. On January 7, the Supreme Court ruled that gender segregation on public buses could not be imposed or ordered but could occur only on a voluntary basis. Despite the ruling there were continued reports of forced segregation on public buses. On December 16, both a bus driver and police officer requested that Ashdod resident Tanya Rosenblit move to the back of a public bus from Ashdod to Jerusalem due to haredi protests, but she was allowed to refuse and stay at the front of the bus. There were also reports of increased segregation at the Western Wall compound, including maintaining the country's only men-only walkway. In December harassment of an eight-year-old girl attending a Modern Orthodox school in Beit Shemesh by haredi men sparked large protests against haredi attempts to segregate genders in public spaces, with hundreds of haredim responding by rioting, lighting fires, and throwing stones when police took down haredi signs calling for separation of the sexes. According to the Ministry of Education, gender segregation was in effect at 65 percent of the state-funded religious elementary schools in the country, compared with 25 percent in 2001.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination, although women in haredi communities often had to seek approval from a rabbi to use contraception.

Discrimination.—In the secular criminal and civil courts, women and men enjoyed the same rights, but religious courts responsible for adjudication of family law limit the rights of Jewish and Muslim women. A Jewish woman is allowed to initiate divorce proceedings, but her husband must give his consent to make the divorce final. Because some men refuse to grant the divorce, thousands of "agunot" (chained women) may not remarry or give birth to legitimate children. Rabbinical tribunals may, and sometimes did, sanction a husband who refused divorce but still did not grant a divorce without his consent. A Muslim woman may petition for and receive a divorce through the Sharia courts without her husband's consent under certain conditions, and a marriage contract may provide for other circumstances in which

she may obtain a divorce without her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court. Christians may seek official separations or divorces, depending on the denomination, through ecclesiastical courts.

Although the law prohibits discrimination based on gender in employment and wages and provides for class action suits, women across most ethnic and religious groups faced labor discrimination. According to international surveys, women earned on average 53 percent of the amount earned by men in comparable positions.

The government enacted a number of programs to improve the status of women in the workplace and society. The Authority for the Advancement of the Status of Women in the Prime Minister's Office works to mainstream women's participation in the government and private sector, along with combating sexual harassment and domestic violence. Every city, local council, and government ministry in the country is required to have an adviser working to advance women's issues. The authority works with these advisers to develop action plans, submits regular opinions on Knesset legislation, and conducts 40 "empowerment courses" annually for women in cities across the country, particularly in the periphery and among Arab citizens. It also regularly provides materials on sexual harassment and ensures that job advertisements use gender-neutral language.

Children.—Birth registration.—Citizenship at birth is derived within or outside of the country to at least one citizen parent. Births are registered within 10 days of the delivery.

Education.—Education is free, universal, and compulsory through age 17, which usually coincides with the 12th grade. Compulsory education was not enforced, however, in unrecognized Bedouin villages in the Negev, and many Bedouin families prevented Bedouin girls from travelling to school. Bedouin children continued to have the highest illiteracy rate in the country. The government operated separate school systems for Hebrew-speaking children and Arabic-speaking children. For Jewish children there were separate school systems for religious and secular families. Individuals could choose to attend a school regardless of ethnicity. Haredi political parties continued to oppose government regulation of their government-funded school systems.

Child Abuse.—The National Council of the Child received numerous complaints during the year covering issues of health, welfare services, education, physical and sexual abuse of children, child pornography, and poor educational environments. The government provided specialized training to psychologists, offered a free psychological treatment program to treat child victims of sexual offenses, and operated a 24-hour emergency hotline.

Sexual Exploitation of Children.—The law prohibits sexual exploitation of a minor and sets a penalty of at least seven to 20 years' imprisonment for violators, depending on the circumstances. The minimum age of consensual sex is 16 years; consensual sexual relations with a minor between the ages of 14-16 is not necessarily considered rape but is punishable by five years' imprisonment. According to the government, an estimated 100-150 girls and dozens of boys were exploited for prostitution annually. The government supported a number of programs to combat sexual exploitation of children, including establishing an interministerial research team, preparation of educational materials, and numerous training sessions for government and police officials. According to the Ministry of Welfare, there were many cases of children with disabilities who were sexually assaulted that awaited investigation during the year.

International Child Abductions.—The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html.

Anti-Semitism.—There were numerous reports of anti-Semitic acts perpetrated by members of minority groups, including desecration of Jewish tombstones on the Mount of Olives. In October unknown persons desecrated a number of synagogues in the city of Safed with inscriptions on the walls including one that read "death to the Jews." The Safed police launched an investigation into the incident. The government operated a special department in the State Attorney's Office for prosecution of incitement-related crimes.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at http://www.state.gov/j/tip

Persons With Disabilities.—The law provides a framework to prohibit discrimination against persons with disabilities in access to employment, education, health care, and selected other state services. The legislation mandates access to buildings,

transportation, and physical accommodations and services in the workplace. According to NGOs the government made limited progress in enforcing these laws.

Societal discrimination and lack of accessibility persisted in employment, transportation, housing, and education. The unemployment rate for hard-of-hearing persons was 14 percent, compared to 7 percent of the broader population, although NGOs said the figure was underreported. The average monthly income of people with disabilities was 64 percent lower than monthly income for other workers, according to NGOs. Most train stations maintained access for persons with disabilities, but interurban buses did not. As of September 2010 approximately 70 percent of buses did not have such access. In housing, few community-based independent living options were available for persons with mental or intellectual disabilities. The government and NGOs cooperated and built infrastructure and materials for students with disabilities during the year. NGOs noted that hard-of-hearing students sometimes were channeled into inappropriate tracks such as schools for mentally disabled persons. Such problems were generally more acute in the Israeli Arab population.

The Commission for Equal Rights of People with Disabilities within the Ministry of Justice is responsible for protecting the rights of persons with disabilities but relies on government ministries to enact regulations. The commission took legal action in the areas of accessibility and employment and issued regulations to provide access to services and public sites. According to three NGOs (Bekol, Bizchut, and Al Manarah), however, implementation of these regulations was slow overall, especially for Israeli Arab communities. The Division for Integrating Persons with Disabilities in the Labor Market within the Ministry of Industry examines and promotes employment for persons with disabilities. The Ministry of Social Affairs and Social Services provides out-of-home placement and sheltered employment for persons with cognitive, physical, and communication disabilities. It also handles criminal investigations involving persons with certain disabilities, either victims or offenders, when police request assistance. The National Insurance Agency provides financial benefits and stipends, the Ministry of Health provides mental health and rehabilitation services, and the Ministry of Education provides special education services. A report during the year by the Commission for Equal Rights of Persons with Disabilities found that the socioeconomic status of people with disabilities was worse than that of the general population.

National/Racial/Ethnic Minorities.—Arab citizens of the country faced institutional and societal discrimination. Tensions between Arabs and Jews were sometimes high in areas where the two communities overlap, such as Jerusalem, the Galilee, and Negev, and in some cities with historically separate Jewish and Arab neighborhoods.

On March 23, the Knesset codified into law the longtime practice of community admissions committees determining someone's suitability for moving into small communities of fewer than 400 families in the Negev and Galilee. The law prohibits any discrimination based on "race, religion, gender, nationality, disability, age, parentage, sexual orientation, country of origin, or political affiliation," but NGOs petitioned the High Court to overturn it, alleging that in practice the admissions committees restricted Arabs from living in small Jewish communities and could use criteria such as military service to exclude Arab citizens from admission into communities.

According to NGOs, new "kosher certificates" indicating that no Arabs were employed by a business were found in several businesses during the reporting period. Numerous "death to Arabs" slogans were spray-painted along highways during the reporting period, including across a pedestrian bridge in Herzeliya.

In June the mayor of Nazaret-Illit, Shimon Gafso, said that his city would never be a "mixed city," despite its high percentage of Arab residents, and that he would never house a mosque or permit Christian residents to light Christmas trees in public places. Referring to clashes between Arab citizens and police in October 2000, Gafso added, "If I had participated in the events, then there would have been more Arabs killed."

Immediately following an October 3 arson attack on a mosque in Tuba-Zangariyye, the government strongly condemned the incident, and President Peres, the chief rabbis, and many religious leaders visited the mosque the next day.

On November 23, Attorney General Yehuda Weinstein ordered an investigation into Safed Rabbi Shmuel Eliyahu's statements concerning the Arab minority. Eliyahu, who is a government employee, reportedly called on citizens not to rent apartments to Arabs in Safed and to expel the city's Arab residents.

The law exempts Arab citizens, except for Druze, from mandatory military service, but some serve voluntarily. Citizens who do not perform military service enjoy fewer societal and economic benefits and are sometimes discriminated against in hiring

practices. Citizens generally were ineligible to work in companies with defense contracts or in security-related fields if they had not served in the military. The government managed a National Civil Service program for citizens not drafted for military service, giving Arabs, haredi Jews, Orthodox Jewish women, and others the opportunity to provide public service in their own communities and thus be eligible for the same financial benefits accorded military veterans.

The government began implementing a new economic development fund for Arab and other minority populations. The 800 million NIS (approximately $210 million) "Arab plan" focused on 12 Arab-majority towns and villages, investing in housing, transport, community-based law enforcement, and job training (particularly for Arab women). A majority of the funding for housing and transport projects was made available through a combination of private sector investments, public tenders, and government matching funds.

Resources devoted to Arabic education were inferior to those devoted to Hebrew education in the public education system and some Arabs in ethnically mixed cities chose to study in Hebrew instead. The separate school systems produce a large variance in education quality, with just 31 percent of Arabs qualifying for university acceptance on the matriculation exam, compared to 76 percent of Jews, according to Central Bureau of Statistics findings in 2009.

Approximately 93 percent of land was in the public domain, including approximately 12.5 percent owned by the NGO Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. According to a 2005 attorney general ruling, the government cannot discriminate against Arab citizens in marketing and allocating lands it manages, including those of the JNF. As an interim measure, the government agreed to compensate the JNF for any land it leased to an Arab by transferring an equal amount of land from the Israel Lands Administration to the JNF. Legal petitions against the JNF policy of leasing public land only to Jews continued at year's end. The NGO Israel Land Fund continued its program to purchase Arab land throughout the country and market it to Jewish buyers, including in the diaspora; the organization claimed that all the land belonged to Jewish people and described as a "danger" the purchase of Jewish-owned lands by non-Jews. Various Arab NGOs similarly bought land and built exclusively for Arabs.

New construction is illegal in towns that do not have an authorized outline plan for development, which is the legal responsibility of local authorities. At year's end according to the government, 47 of the country's 128 Arab communities had fully approved planning schemes, 29 had outline plans in the final stages of the localities' approval process, seven were still developing their outline plans, and 45 were promoting detailed plans for their updated outline plans. Localities are also responsible for initiating and submitting urban outline plans to the district committees, which are responsible for approving any expansion of the municipalities.

While Arab communities in the country generally faced economic difficulties, the Bedouin segment of the Arab population continued to be the most disadvantaged. More than half of the population of an estimated 160,000 Bedouin lived in seven state-planned communities and the Abu Basma Regional Council. Approximately 60,000 Bedouin lived in at least 46 unrecognized tent or shack villages that did not have water and electricity and lacked educational, health, and welfare services. Bedouins living in established towns enjoyed the same services provided to all citizens. The government-sponsored Committee for the Arab, Druze, and Circassian Populations' Affairs built six centers to provide water to areas that included unrecognized villages. Some direct water connections were also made to families residing in unrecognized villages. The government reported that there were numerous pirated connections to water pipelines absent authorization of the Israel National Water Corporation.

On June 6, the Supreme Court ruled on Adalah's 2006 appeal, stating that the Water Tribunal should provide basic access to water for persons living in unrecognized villages but was not obligated to provide additional water access to half of the petitioners who already possessed legal places of residence in recognized towns.

In the unrecognized "villages" constructed without official authorization on state land in the Negev claimed by various Bedouin tribes, all buildings were illegal and subject to demolition. In July the state commenced legal proceedings against 34 residents of the unrecognized "village" of Al-Arakib to recover 1.8 million NIS ($471,500), the cost of demolishing their homes approximately two dozen times since 2010. Al-Arakib had been repeatedly rebuilt illegally on state land since 1998, despite multiple eviction orders and a 2007 Supreme Court decision.

The government maintained a program to encourage Bedouins to relocate from unrecognized villages to established towns by providing low-cost land and compensation for demolition of illegal structures for those willing to move to designated permanent locations. Many Bedouin complained that moving to government-planned

towns required giving up claims to land they had lived on for several generations, while the government claimed it was difficult to provide services to clusters of buildings throughout the Negev that ignored planning procedures.

The law bars family reunification in cases where one spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon. Palestinian male spouses who are 35 or older and female spouses who are 25 or older may apply for temporary visit permits but may not receive residency based on their marriage and have no path to citizenship. The government originally enacted the law following 23 terrorist attacks involving suicide bombers from the occupied territories who had gained access to Israeli identification through family unification. During the year human rights NGOs and international organizations continued to criticize this ban, which primarily affected Palestinian spouses of Arab citizens. In 2009 in response to an NGO petition, the Supreme Court demanded an explanation within six months from the government for its refusal to grant social and health insurance to an estimated 5,000 Palestinian spouses of citizens who were granted "staying permits" to reside legally in Israel. In January 2010 the court recommended the government provide a temporary solution that would be in place until an official policy could be formulated. In July 2010 the government requested an additional five months to formulate a response regarding the provision of social benefits to nonresidents. The committee was deliberating recommendations at year's end.

The government prohibits Druze citizens, like all citizens, from visiting Syria. The government allowed noncitizen Druze from the Golan Heights to visit holy sites in Syria through the ICRC-managed pilgrimage program, but it has prevented family visitations since 1982.

A estimated population of 130,000 Ethiopian Jews faced persistent societal discrimination, although officials and the majority of citizens quickly and publicly condemned discriminatory acts against them. In May 2010 approximately 200 parents and children protested racial segregation in Beer Sheva's Otzar Haim kindergarten, where they claimed Ethiopian Jewish children were educated in a room separate from the rest of the children. An official from the Industry, Trade, and Labor Ministry then visited the site and forced the school to cease the segregation. There were reports of discrimination in admissions targeting Ethiopian Jews in the school system of Petah Tikva during the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination based on sexual orientation, and the government generally enforced these laws, although discrimination based on sexual orientation or gender identity persisted in some parts of society. The Jerusalem Open House for Pride and Tolerance activities received public financing after a 2010 Supreme Court ruling mandated that the Jerusalem Municipality must allocate financial support after previous refusals. There were no reports of violence against the lesbian, gay, bisexual, and transgender community during the year.

Other Societal Violence or Discrimination.—There were some reports of societal violation or discrimination against persons with HIV/AIDS, including doctors denying medical consultation and care to HIV-positive individuals and a case of an HIV-positive individual excluded from his congregation after the head of the congregation discovered he was HIV-positive. According to NGOs, several hundred HIV-positive asylum seekers did not receive antiretroviral medication since they lacked access to the public health system. There were also reports of deaths of HIV-positive asylum seekers during the year, whose situations deteriorated due to lack of treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law protects the right of workers to form and join independent unions, strike, earn minimum wage and overtime, and bargain collectively. These laws also applied to foreign workers, but they faced difficulty in practice.

The law specifically prohibits antiunion discrimination, and none was reported.

Rights to association and collective bargaining were generally respected for citizens; however, foreign workers often faced difficulties exercising these rights. Worker organizations were independent of the government and political interference.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor and criminalizes labor exploitation; however, laws concerning minimum employment conditions and foreign workers were not effectively enforced.

The Ministry of Interior revoked the license of a manpower recruitment agency for not fulfilling contract obligations to monitor labor rights abuses.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—Laws provide for protection of children from exploitation in the workplace and prohibit forced or compulsory labor; the government generally enforced these laws.

Children at least 14 years old may be employed during official school holidays in light work that will not harm their health. Children at least 15 years old who have completed education through grade nine may be employed as apprentices. Working hours for those children between16 and 18 years old are restricted in all sectors.

During the year the Labor Laws Enforcement Division in the Ministry of Industry, Trade, and Labor initiated 250 investigations, investigated more than 1,000 employers for allegedly violating the law, filed 55 indictments against employers, and imposed 822 administrative fines totaling approximately NIS 10.5 million ($2.8 million). There were reports of Palestinian children working illegally in Jerusalem's central market.

The Labor Law Enforcement Division conducted national campaigns regarding employment terms of youth to promote the implementation of youth labor laws, especially during summer vacation.

d. Acceptable Conditions of Work.—The national minimum wage was 21 NIS ($5.50) per hour; many foreign workers received less. The official poverty line was 2,413 NIS ($632) for one person per month and 5,116 NIS ($1,340) for a family of three. Persons with disabilities whose working capacity was reduced due to their disability earned between 19 and 50 percent of minimum wage. Youth below the age of 18 earned between 60 and 83 percent of the minimum wage. The law allows a maximum 43-hour workweek at regular pay and paid annual holidays. Premium pay for overtime was 125 percent for the first two hours and 150 percent for any additional hours, with a limit of 15 hours of overtime per week. Some workers, such as migrant workers in the homecare sector, were not covered by the law.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace. Fifty-six labor inspectors operated throughout the country, but only six were dedicated to foreign worker violations. Resource constraints affected overall enforcement, and according to NGOs the country failed to fully enforce its labor laws. Existing penalties were not sufficient to deter violations.

In 2010 there were 49 fatal working accidents that resulted in 53 workers killed and 12,152 notices on working accidents that resulted in workers' injuries, according to the government. According to the National Insurance Institution, there were 67,633 claims for work-related injury payments in 2010. During the first half the year, 32 workers died as a result of work-related accidents, more than half in the construction sector. Female migrant workers in the homecare sector remained particularly vulnerable to abuse and forced labor. On May 16, the Knesset passed amendments to the Law of Entry that grant the Interior Ministry the discretion to bind foreign workers to narrowly defined subcategories within the homecare sector and geographic regions. NGOs asserted that the binding of migrant workers created vulnerability to human trafficking. NGOs also reported receiving increased complaints of labor violations in the homecare sector following the amendments to the Law of Entry.

In the homecare sector, the live-in arrangements and lack of labor law protections and inspections led to many cases of exploitative working conditions among women migrant workers. During the year the NGO Kav LaOved filed 830 complaints on behalf of foreign caregivers, including allegations of underpayment of wages, physical violence, sexual harassment, and unsuitable employment conditions.

Some foreign workers reported unlawful withholding of passports, restrictions on movement, the inability to change or otherwise choose one's employer, nonpayment of wages, threats, and physical intimidation. There were numerous documented cases, but few employer prosecutions, concerning foreign laborers' living in harsh conditions and subject to debt bondage. Foreign agricultural workers, construction workers, and nursing care workers—particularly women—were at greatest risk for abuse, including trafficking, forced labor, nonpayment, and withholding of wages.

The first foreign worker strike, involving hundreds of Thai agricultural workers, occurred on July 11 in response to alleged underpayment of wages, excessive hours of work, and employer coercion at the Moshav Achituv (privately owned farm cooperative). Following the strike the Ministry of Industry, Trade, and Labor issued administrative orders to improve working conditions, while inspectors continued to investigate the extent of the violations.

In December the Ministry of Interior revoked the license of one manpower recruitment agency for not fulfilling contract obligations to monitor labor rights abuses.

On April 13, the Supreme Court overturned a government regulation requiring female foreign workers to leave the country within three months of giving birth. The court ruled that the previous "procedure for the handling of a pregnant migrant

worker" was unconstitutional due to its violation of a migrant woman's basic right to family and parenthood. NGOs charged that the Ministry of Interior failed to abide by the court ruling through year's end.

The NGO Kav LaOved also filed hundreds of complaints with police regarding labor rights abuses and legal violations at moshavim (privately owned farms) and kibbutzim (private communities) throughout the country. Allegations included health and safety violations, such as prolonged exposure to pesticides, nonpayment for overtime, excessive working hours, and poor living conditions.

Brokers and employers collected hiring fees from migrant workers. The government limited such fees to NIS 3,135 (approximately $820) per worker. However, Kav LaOved asserted that foreign workers paid brokerage fees of NIS 10,000-13,000 (approximately $2,620-$3,405) in the agriculture sector and from NIS 6,000-13,000 (approximately $1,570-$3,405) in the homecare sector. The Ministry of Foreign Affairs initiated a pilot program to recruit foreign agricultural workers directly from Thailand and other countries as a means of eliminating brokerage fees.

The Occupied Territories

EXECUTIVE SUMMARY

The Palestinian Authority (PA) had a democratically elected president and legislative council. The PA exercised varying degrees of authority over the Palestinian population in the West Bank and none over Arab residents of East Jerusalem due to the Israel Defense Forces' (IDF) continuing presence in the West Bank and Israel's extension of Israeli law and authority to East Jerusalem in 1967. The PA had little authority in the Gaza Strip and none over Israeli residents of the West Bank. In the 2006 Palestinian Legislative Council (PLC) elections, candidates backed by Hamas, a terrorist organization, won 74 of 132 seats in elections that generally met democratic standards. In 2007 President Mahmoud Abbas dismissed the national unity government after Hamas staged a violent takeover of PA government installations in the Gaza Strip and killed hundreds in the Fatah movement—the largest faction of the Palestine Liberation Organization (PLO)—and PA security forces. President Abbas appointed a cabinet of independents led by Prime Minister Salam Fayyad that continued to govern the West Bank during the year. Both PA and Israeli security forces reported to civilian authorities. Hamas maintained control of security forces in the Gaza Strip. Various terrorist organizations, including Hamas in a number of cases, launched rocket and mortar attacks against Israeli targets from inside the Gaza Strip.

The three most egregious human rights violations across the occupied territories were arbitrary arrest and associated torture and abuse, often with impunity and particularly against security or political prisoners, by multiple actors in the region; restrictions on civil liberties; and the inability of residents of the Gaza Strip under Hamas to choose or hold to account their own government.

Other human rights problems under the PA in the West Bank included at least one reported unlawful killing. Some detainees faced abuse and mistreatment, overcrowded detention facilities, arbitrary arrest, and in some cases prolonged detention. Corruption, although reduced from previous years, remained a problem. Societal discrimination and abuse against women, discrimination against persons with disabilities, and child labor remained serious problems.

In addition to the lack of political freedom for residents of the Gaza Strip, human rights violations under Hamas reportedly included security forces killing, torturing, arbitrarily detaining, and harassing opponents, Fatah members, and other Palestinians with impunity. Hamas and other Palestinian militant factions in the Gaza Strip also launched rockets and mortars against civilian targets in Israel, killing and injuring civilians. Gaza-based civil rights organizations reported that prisoners were held in poor conditions in Gaza Strip detention facilities. Authorities reportedly failed to provide fair trials to a number of accused prisoners, including political prisoners. Hamas also significantly restricted the freedoms of speech, religion, and movement of Gaza Strip residents. Corruption was reportedly a problem. Hamas promoted gender discrimination against women, and domestic violence was a problem.

Human rights problems related to Israeli authorities included reports of excessive use of force against civilians, including killings; abuse of Palestinian detainees, including minors and political prisoners, particularly during arrest and interrogation; austere and overcrowded detention facilities; improper use of security detention procedures and incommunicado detention; demolition and confiscation of Palestinian

property; limitations on freedom of expression and assembly; and severe restrictions on Palestinians' internal and external freedom of movement. The IDF maintained restrictions on the trade of goods into and out of the Gaza Strip and largely limited the travel of Palestinians out of Gaza to humanitarian cases, in addition to some business travelers.

The PA, Israeli, and Hamas authorities took minimal steps to address impunity or reduce abuses. There were reports that the IDF and Hamas did not adequately pursue investigations and disciplinary actions related to violations.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the PA committed at least one unlawful killing during the year. On April 24, a PA security forces officer shot at a vehicle exiting Nablus, killing Ben Yosef Livnat, an Israeli citizen, and wounding four others who had attended prayer services at Joseph's Tomb. The worshippers reportedly had failed to coordinate their visit with Israeli and PA authorities as required. PA security forces investigated the incident and found four officers at fault. The officer who killed Livnat was removed from duty.

Palestinian terrorist groups, including Hamas, committed unlawful killings in Israel, the West Bank, and the Gaza Strip.

For example, on March 11, 17-year-old Hakim and 19-year-old Amjad Awad, cousins affiliated with the Popular Front for the Liberation of Palestine (PFLP), stabbed and killed five members of the Israeli Fogel family, including two young children and an infant, in their home in the settlement of Itamar, near Nablus, in the West Bank. On September 13, Israel's Samaria Military Court sentenced Hakim to 130 years in prison, which he began serving immediately. Amjad was convicted of five counts of murder on November 28 but had not been sentenced by year's end.

On April 15, Salafist militants reportedly killed Vittorio Arrigoni, an Italian pro-Palestinian activist living in the Gaza Strip. After claiming to have captured two Salafist suspects shortly after the killing, the Hamas ministry of interior announced the capture of two additional suspects on April 19 following a raid by Hamas security forces in which another two Salafists were killed. During the first hearing in a military court in Gaza City in late September, the four suspects claimed their videotaped confessions had been extracted under torture. The trial was ongoing at year's end.

Hamas and Palestinian armed groups in Gaza, including the armed wings of the Popular Resistance Committees, Palestinian Islamic Jihad (PIJ), PFLP, and al-Aqsa Martyrs Brigade, launched indiscriminate rocket attacks into Israel. According to Israeli government statistics, Palestinian terrorist acts emanating from the West Bank killed seven Israeli civilians and one foreign tourist. Eight Israeli civilians died in violence emanating from the Gaza Strip. Four of those who died were minors. During the year approximately 700 rockets, mortars, and Grad missiles were fired at southern Israel from the Gaza Strip, according to data compiled by the IDF's Home Front Command.

According to local media and the Independent Commission for Human Rights (ICHR), a PA human rights institution, Hamas unlawfully executed at least five persons by hanging and gunfire in the Gaza Strip during the year. By law the PA president must ratify the death penalty, but Hamas did not contact the PA regarding the executions. For instance, on July 26, Hamas hanged Mahmoud and Rami Abu Qenas, reportedly convicted in 2004 of murder and collaborating with Israel.

The Israeli government killed Palestinian civilians as well as militants, mostly in the Gaza Strip, but also in the West Bank. Israeli security forces killed 105 Palestinians in Gaza and 10 in the West Bank during the year. Some of these killings were unlawful. Eighteen of those killed in the Gaza Strip were minors. The Israeli government launched missile, unmanned aerial vehicle, and fighter aircraft strikes in the Gaza Strip, killing 49 Palestinians whom the Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem) described as participating in hostilities through their membership in Hamas's military wing or the PIJ (a terrorist organization) and at least 40 of whom B'Tselem described as not participating in hostilities. The IDF used tanks and remote-controlled weapons stations to fire on Palestinians inside the Gaza Strip. IDF personnel maintained secure stations every several hundred yards along the border fence; each station contained machine guns with a nearly one-mile firing range. The IDF's tanks also sometimes fired ammunition with "flechette" projectiles, which explode in midair, releasing thousands of 1.5-inch metal darts that disperse in an arc 328 yards wide.

On January 7, IDF troops from the Duvdevan elite counterterrorism unit entered the house of 66-year-old Omar Salim Suliman al-Qawasmeh in Hebron, in the West Bank, and shot and killed him in his bed during a nighttime raid. The IDF spokesman later stated that troops had entered the wrong house. On January 19, the IDF

issued a statement saying that, while the initial shots were fired as a result of suspicious movement, a second soldier also fired at al-Qawasmeh in response to the first soldier's shots. The IDF ended the second soldier's military service.

The IDF killed a Palestinian demonstrator during the year. On December 9, during a weekly demonstration in Nabi Saleh, an IDF soldier fired a tear gas canister at close range toward a stone-throwing protester, Mustafa Tamimi, who died as a result of wounds after the canister directly struck his face. The IDF spokesperson stated that the incident was "exceptional" and was a result of the soldier's inability to see the protester clearly. Nongovernmental organizations (NGOs) disputed this claim, pointing to photos and video coverage that showed the IDF soldier aiming directly at the protester's face. The IDF launched an investigation into the incident.

There were also continued reports of Israeli forces killing Palestinians in restricted areas in the Gaza Strip. In September the U.N. Office for Coordination of Humanitarian Affairs (UNOCHA) reported that Israel aerially distributed leaflets across the Gaza Strip warning residents that their lives would be at risk if they approached within 300 meters of the "buffer zone" separating Gaza from Israeli territory. In practice Israel regularly enforced the buffer zone by firing toward Palestinians approaching at distances well beyond 330 yards, and UNOCHA reported several cases of civilians being shot at distances beyond 365 yards during the year.

The IDF also fired at minors working inside or near the Gaza Strip buffer zone. For example, on August 16, IDF fire killed 17-year-old Mahmoud al-Majdalawi, who reportedly suffered from a mental disability, at a distance of approximately 440 feet from the perimeter fence. Defense for Children International-Palestine Section (DCI-Palestine) reported six children shot by IDF fire during the year as far as 660 yards out from the Gaza buffer zone, noting that most of the children were shot in the leg while collecting gravel, without apparent intent to kill.

The IDF announced it opened investigations into some civilian deaths in Gaza and the West Bank. However, various human rights groups claimed that the Israeli government failed to investigate violence thoroughly, including that which resulted in Palestinian deaths, whether by the IDF or by Israeli settlers (for the latter, see section 6, National/Racial/Ethnic Minorities). According to B'Tselem, the Israeli government did not order criminal investigations into cases in which soldiers killed Palestinians who were not taking part in hostilities. In addition Israeli law restricts the ability of Palestinians who have been harmed by illegal acts by Israeli security forces to seek compensation in Israeli courts.

On September 25, the Jerusalem District Court ruled that the Israeli government pay NIS 1.6 million (approximately $420,000) to the family of Abir Aramin, a 10-year-old who was shot in the back of the head with an IDF rubber bullet in Jerusalem in 2007, according to press reports. A 2010 ruling from the same court determined that the state of Israel was responsible for her death, noting that the bullet was fired in violation of orders. Previously, on July 10, the Israeli High Court of Justice rejected a petition by Aramin's family to indict the border police officers responsible for her death. However, the court's decision was based on the fact that it was difficult to investigate the death four years later. The judges criticized the border police for not opening an investigation immediately, stating that an immediate investigation should follow any violent incident that causes severe injury or the death of a civilian.

The PA set up a commission that looked into the PA violations during the Operation Cast Lead conflict in 2008-09 and published a report on its findings. Since the principal Palestinian violations during Cast Lead were committed by Hamas in the Gaza Strip, the PA was unable to effectively hold perpetrators accountable. In previous years NGOs criticized Hamas for not pursuing investigations into violations during Operation Cast Lead.

During the year there were no new Israeli indictments related to violations by Israeli forces during Operation Cast Lead. Various human rights organizations stated that many of their requests for information about investigations went unanswered, but the military advocate general (MAG) responded to B'Tselem's inquiries about specific cases, reporting that four out of nine cited cases did not lead to investigations. In other cases where investigations were completed, the MAG's reporting to B'Tselem documented that legal proceedings did not result for every case cited by the organization. NGOs such as B'Tselem pointed to such findings to protest what they considered a lack of serious investigation into alleged human rights violations and opined that insufficient attention was paid to responsibility related to the chain of command.

b. Disappearance.—In the West Bank there were no reports of politically motivated disappearances in connection with internal Palestinian conflict, largely due to improved security conditions in recent years.

In the Gaza Strip, Hamas security operatives carried out extrajudicial detentions based on political affiliation during the year. Information concerning the whereabouts and welfare of those detained was not consistently or reliably available, and many of those detained were denied due process or access to family and legal counsel.

On October 18, Hamas released Gilad Shalit, an Israeli soldier abducted in 2006 in a cross-border attack from the Gaza Strip, as part of a prisoner exchange between Israel and Hamas.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups reported that abuse and torture remained a problem across the occupied territories.

Palestinian detainees held by PA security forces registered more than 816 complaints of abuse and torture with the ICHR during the year. Reported abuse by PA authorities in the West Bank included forcing prisoners to sit in a painful position for long periods, beating, punching, flogging, intimidation, and psychological pressure. Independent observers noted that abuse was not systematic or routinely practiced in PA prisons, although some prisoners experienced abuse during arrest or interrogation. The PA Corrections and Rehabilitation Centers Department (CRCD) reported no cases of inmate abuse by its staff. However, Human Rights Watch (HRW) reported that credible reports of torture by PA security services continued during the year. The PA General Administration for Reform and Rehabilitation Center, under the authority of the PA Ministry of Interior, operated a mechanism for reviewing complaints of prisoner abuse in civil prisons.

Detainees held by Hamas filed at least 304 claims of abuse and torture with the ICHR during the year. In the Gaza Strip, security elements under the Hamas ministry of interior tortured and abused purported security detainees, persons associated with the PA or the Fatah political party, those held on suspicion of "collaboration" with Israel, civil society activists, journalists, and those who had reportedly engaged in "immoral" activity. Hamas also reportedly deployed undercover officers to assault such persons. The Office of the U.N. High Commissioner on Refugees (UNHCR) reported three deaths in detention as a result of Hamas torture between December 2010 and November 2011. The ICHR reported that complaints of abuse included being forced to stand in uncomfortable stress positions, flogging, hand binding, suspension, blindfolding, punching, and beatings with clubs or hoses. For example HRW reported that on February 28-29, Hamas police and plainclothes security officers detained, beat, and tortured Ahmad Arar, who had organized a demonstration in Gaza City calling for Palestinian unity. According to HRW, Hamas police beat Arar, forced him into stress positions, denied him medical care, threatened him with electrocution, and coerced him into confessing affiliation with the PA.

Hamas reportedly took little or no action to investigate reports of torture, and documentation of abuses was limited, due to victims' fear of retribution and to lack of access to Gaza Strip prisoners by NGOs or PA officials.

Human rights organizations reported that "physical interrogation methods" permitted by Israeli law and used by Israeli security personnel could amount in practice to torture; these included beatings, forcing an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. Israeli and Palestinian NGOs continued to criticize these and other Israeli detention practices they termed abusive, including isolation, sleep deprivation, and psychological abuse, such as threats to interrogate spouses, siblings, or elderly parents, or demolish family homes.

Israeli authorities reportedly used similar tactics on Palestinian minors. DCI-Palestine claimed Israeli security services continued to abuse and in some cases torture minors who were frequently arrested on suspicion of stone throwing to coerce confessions. Tactics included beatings, long-term handcuffing, threats, and solitary confinement. DCI-Palestine reported in December that it had documented 34 cases of minors held in solitary confinement at al-Jalame facility between 2008 and 2011. For example, according to DCI-Palestine, on November 4, the IDF arrested 16-year-old R.S.J. in the West Bank settlement of Tzufin, interrogated him using threats, and held him for 13 days in a small cell with a light on 24 hours a day.

During the year the Public Committee Against Torture (PCATI), five other NGOs, and nine other complainants submitted a petition to the Israeli High Court of Justice demanding effective accountability mechanisms in complaints of torture; this petition was still pending at the end of the year. The PCATI also reported more than 700 complaints that had yet to lead to a criminal investigation at year's end.

Prison and Detention Center Conditions.—PA prison conditions improved in recent years, yet despite some improvements, the PA prison system remained seriously in-

adequate and overcrowded for the prison population it served. The PA Ministry of Health reported that prisoners in PA facilities, including in both the West Bank and Gaza Strip, suffered from "extremely bad detention conditions." In the West Bank some facilities did not have enough beds for all inmates, forcing some to sleep on mattresses on the floor. Most prisons continued to lack ventilation, heating, cooling, and lighting that conformed to international standards. Inmates had sufficient access to potable water. Space and capacity issues also reduced the availability of medical care and vocational or other programs for inmates in civil police prisons. There were no deaths reported in PA prisons from adverse conditions. PA civil police prisons held 967 prisoners at the end of the year, approximately 30 percent more than capacity. Male juveniles were at times housed with adult male prisoners. Security services used separate detention facilities. Conditions for women were virtually identical to those for men; however, some detention centers for women had limited outdoor recreation space.

All PA civil police prisons allowed visitors on a weekly basis, religious observance, a procedure for submitting complaints through a prison officer or directly to the warden, and an investigation process for complaints. Recordkeeping was adequate, with the CRCD storing information on computers, but access to records was not publicly available. The PA investigated allegations of mistreatment. Although ombudsmen cannot serve on behalf of prisoners, the ICHR played an ombudsman role.

The PA generally permitted the International Committee of the Red Cross (ICRC) access to detainees and allowed regular inspections of prison conditions in accordance with the ICRC's standard modalities. Preliminary, unpublished accounts by human rights groups, humanitarian organizations, and lawyers indicated that, as in previous years, there were some difficulties in gaining access to specific detainees, depending on which security organization managed the facility.

PA authorities undertook prison improvement efforts at various facilities, such as at the Dhahiriya Prison in Hebron District, where authorities took steps to address overcrowding and moved prisoners from outdoor recreation facilities and the kitchen to indoor, more appropriate facilities. The PA Ministry of Interior also approved land for a new prison and continued to build a 312-bed facility in Nablus in line with international standards.

Prison conditions in the Gaza Strip were reportedly poor although little information was available. Detention facilities were reportedly below international legal or humanitarian standards. The ICRC conducted monitoring visits to some prisoners in the Gaza Strip, but Hamas authorities denied representatives permission to visit captured IDF soldier Gilad Shalit prior to his October release.

IDF detention centers were less likely than Israeli civilian prisons to meet international standards, with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. The PCATI reported that, after it petitioned the Israeli High Court in March to improve poor conditions in pretrial holding cells at Ofer and Salem detention centers, these facilities improved. In November 2010 B'Tselem and another Israeli human rights organization, HaMoked, reported unsatisfactory conditions, including poor hygienic conditions, in the Petah Tikva detention center under the Israel Security Agency (ISA or Shin Bet). ISA facilities were exempt from regular independent inspections, and NGOs stated that poor conditions appeared to be used as an interrogation or intimidation method. Prisoners also continued to claim inadequate medical care.

According to sources in NGOs, approximately 4,500 Palestinians were held in Israeli prisons at the end of the year. DCI-Palestine reported that at year's end 135 minors were held in Israeli detention. Following a change in the law in September (see section 1.d.), unlike in previous years, Palestinian minors between 16 and 18 years of age were not held in pre- or posttrial detention with adults, unless it "benefited the minor." DCI-Palestine reported that the law was open to wide interpretation; aside from being used to allow children to be detained with family members, it can also be used to provide some adult Palestinian supervision over children's detention facilities.

The PCATI and DCI-Palestine reported that most reports of abuse or poor conditions occurred during arrest and interrogation.

In June, according to the Palestinian NGO Addameer, the ISA initiated a policy reportedly aimed at collectively punishing Palestinian prisoners in response to the incarceration of Israeli soldier Gilad Shalit. Israeli authorities reportedly began shackling prisoners' hands and legs more regularly; shortened family visits; increased the frequency of night raids and searches; increased the punitive use of isolation; banned prisoners' access to university education, newspapers, and outside books; and limited television use and channel availability. NGOs reported there was no information as to whether this treatment ended once Gilad Shalit was released, but confirmed that the ban on university education remained in force.

Detainees under Israeli control had access to potable water and were allowed visitors and religious observance. There were no reports of improvements in recordkeeping. NGOs claimed systematic failures to investigate abuse claims. The PCATI reported that despite more than 600 complaints it filed since 1999, not one torture complaint resulted in a criminal investigation, let alone a prosecution or conviction. This remained a pattern during the year. The PCATI reported that the Israeli government regularly dismissed complaints of abuse following a primary examination by an ISA employee. NGOs reported that investigations into IDF and police abuse were slow and ineffective but at times did lead to prosecution. There was an ombudsman.

The government permitted visits by independent human rights observers. The Israeli government permitted the ICRC to monitor prison conditions in accordance with standard modalities. NGOs sent representatives to meet with prisoners and inspect conditions in prisons, detention centers, and IDF facilities, except ISA detention and interrogation facilities, since security prisoners and facilities remained inaccessible to independent monitors. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent transfers of detainees without notice, and the limited ability of families of imprisoned Palestinians, particularly Gazans, to visit.

d. Arbitrary Arrest or Detention.—Palestinian law prohibits arbitrary arrest and detention; however, in practice the PA failed to charge detainees promptly. Hamas also charged that the PA detained individuals during the year solely on the basis of their Hamas affiliation.

Hamas reportedly practiced widespread arbitrary detention in the Gaza Strip, particularly against Fatah members, civil society activists, and others accused of publicly criticizing Hamas.

Israeli law provides safeguards against arbitrary arrest and detention, but key safeguards do not apply to security detainees. Palestinian security detainees are subject to the jurisdiction of Israeli military law, which permits eight days' detention before appearing before a military court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks. The maximum period for such a prevention order, according to military law, is 90 days; however, detention can be renewed if deemed necessary. Denial of family visits, outside medical professionals, or others outside of the ISA, the IDF, or the prison service occurred. NGOs reported that persons undergoing interrogations were often held incommunicado for several weeks.

Role of the Police and Security Apparatus.—In West Bank Palestinian population centers, mostly "Area A" as defined by the Oslo-era agreements, the PA has formal responsibility for security and civil control; however, since 2002 Israeli security forces have regularly conducted security operations in Area A cities without coordinating with PA security forces. In "Area B" territory in the West Bank, composed mostly of small Palestinian villages and farmland, the PA has civil control—including civil policing—but Israel retains responsibility for security control. In "Area C," which contains Israeli settlements, military installations, some small Palestinian villages and farmland, and open countryside, Israel retains full civil and security control.

Six PA security forces operated in the West Bank. Many of the security forces are under the PA Ministry of Interior's operational control and follow the prime minister's guidance. The Palestinian Civil Police (PCP) have primary responsibility for civil and community policing. The National Security Force (NSF) conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the civil police. The Military Intelligence (MI) agency, which is part of the NSF, handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The MI is responsible for investigations into allegations of abuse and corruption involving PA security forces and can refer cases to court. The General Intelligence (GI) service is responsible for external intelligence gathering and operations; the Preventive Security Organization (PSO) is responsible for these matters internally. The Presidential Guard (PG) protects facilities and provides dignitary protection. Both the GI and PG report to the president, while the other services report to the PA Ministry of Interior. The Civil Defense service provides emergency humanitarian response services including firefighting. Palestinian security forces continued to show improvement during the year. The ICHR continued to report complaints of abuse and torture at the hands of the security forces to the PA, although it noted that most complaints were filed against the PSO and GI agencies. The NSF, PG, PCP, and corrections officers received basic training in human rights, and some received more advanced training. The rate of reported complaints of abuse and torture by the PA security forces decreased significantly in recent years.

During the year the military judiciary claimed it would no longer exercise jurisdiction over civilians, but NGOs reported that it was unclear at year's end whether security agencies, rather than the civil police, continued detaining civilians, including journalists.

In the Gaza Strip, forces under Hamas control maintained security. Press and NGO reports suggested Hamas enforced strict control across all sectors of society. Hamas police reportedly facilitated and benefited from illegal activity, such as the operation of smuggling tunnels. Impunity remained a problem in the Gaza Strip. The ICHR noted that the internal security services in the Gaza Strip prohibited field researchers from visiting detention centers and that authorities failed to respond to ICHR letters. There were no reports of human rights training or efforts to improve security services. There were numerous instances in which Hamas either failed to deter violence, as in the case of the murder of Vittorio Arrigoni (see section 1.a.), or was complicit in organizing violence, such as rocket attacks into Israel during the year.

Israeli authorities maintained their West Bank security presence through the IDF, ISA, national police, and border police. Israeli authorities in some instances investigated and punished abuse and corruption, but there were several reports of failure to take disciplinary action in cases of abuse. The IDF instituted a policy during the year of conducting automatic investigations of claims of abuse in military police custody; previously investigations were initiated at the discretion of military personnel. However, NGOs stated that automatic investigations only applied to military activity in the West Bank. The policy did not apply to individuals reporting abuse in custody. Israeli security forces remained effective; however, NGOs reported that impunity remained a problem, in part because mechanisms for investigating allegations were not effective. Reports of abuse go to the attorney general's office; however, the PCATI reported that allegations were systematically disregarded.

According to Israeli and Palestinian NGO and press reports, the IDF was insufficiently responsive to violence perpetrated by Israeli settlers in the West Bank against Palestinians, although the IDF reportedly took proactive steps in October to protect Palestinians harvesting olives from settler attacks, a common form of violence and vandalism against Palestinian properties that the IDF did not adequately address in previous years. In addition to attacks during the olive harvest, there was an increase in settler violence, including mosque burnings. UNOCHA reported that settler violence increased by 40 percent during the year. Settlers killed three Palestinians, and settler violence injured 167 by the end of November. UNOCHA reported that 90 percent of Palestinian complaints of settler violence in recent years were closed without indictment.

The Association for Civil Rights in Israel (ACRI) stated that Israeli security and justice officials operating in predominantly Arab East Jerusalem displayed bias against Arab residents in investigating incidents involving Arab and Israeli actors. Palestinian residents in the West Bank in several cases sought to press charges against Israeli settlers or their security guards, but many complaints went uninvestigated despite the availability of evidence.

Arrest Procedures and Treatment While in Detention.—PA law requires a warrant for arrest and provides for prompt judicial determination of the legality of detention, and these provisions were largely—but not uniformly—observed in practice. PA law allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days; it requires that a trial must start within six months, or the detainee must be released. PA security forces detained persons outside of appropriate legal procedures, including without warrants and without bringing them before judicial authorities within the required timeframe, although there were no known detentions extending beyond the time limit without trial. Bail and conditional release were available at the discretion of judicial authorities. Authorities generally informed detainees of the charges against them, albeit sometimes not until interrogation. Detainees were granted access to a lawyer. The indigent had the right to counsel; however, they were generally provided lawyers through NGOs, not the PA.

In a number of cases, PA military intelligence reportedly exceeded its legal authority to investigate other security services' officers and detained civilians suspected of "security offenses," such as terrorist activities. Hamas continued to charge that the PA detained individuals during the year solely on the basis of their Hamas affiliation, but the PA presented evidence that many of these individuals had been charged with criminal offenses under civil or military codes. In several cases the PA disregarded civilian court orders requiring the release of civilians suspected of terrorist activity, citing countervailing military court orders.

In the Gaza Strip, Hamas reportedly detained a large but unverifiable number of persons during the year, largely without recourse to legal counsel, judicial review,

or bail. PA laws concerning arrest apply in Gaza, but there was no indication Hamas enforced them.

Israeli authorities operated under military and legal codes in the occupied territories. Israeli military law applied to Palestinians in the West Bank. Israeli settlers were under the jurisdiction of Israeli civil law. Under Israeli military law detainees can be held for up to 90 days without access to a lawyer and are frequently transferred from the West Bank to Israel for detention or interrogation. Detainees were informed of the charges against them during detention, but DCI-Palestine reported that minors and their families were often not informed during arrest. Israeli authorities stated that their policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days, effectively holding detainees incommunicado, during the interrogation process. A military commander may request that a judge extend this period indefinitely. In accordance with the law, Israeli authorities generally provided Palestinians held in Israeli military custody inside Israel access to a lawyer of their choice (and lawyers were provided for the indigent), but impediments to movement on West Bank roads or at crossings often made consultation difficult and postponed trials and hearings. The government frequently delayed notification to foreign government officials after detaining their citizens in the occupied territories.

On September 27, Israel issued Military Order 1676, which was yet to be published in Arabic at year's end, recategorizing Palestinians between the ages of 16 and 18 as minors; previously Israel defined minors in the occupied territories as under 16. The law requires authorities to inform a minor of his right to legal counsel and immediately notify parents of the arrest.

NGOs claimed that despite this law Israeli authorities reportedly failed to inform parents where minor children would be taken when arrested. The IDF also entered Palestinian homes at night to either arrest or take pictures of children. DCI-Palestine reported that authorities tortured and abused minors to coerce confessions (see section 1.c.), and B'Tselem reported lack of parental presence at interrogation, contrary to the law.

Israeli authorities "administratively detained" some persons on security grounds. Several NGOs, including the PCATI, claimed that the administrative detention process was abusive, arbitrary, and often employed as a punitive deterrent measure. It reportedly relied on evidence withheld from the detainees and their lawyers and allowed authorities to bypass standard prosecutions. Administrative detainees, according to B'Tselem, were not granted bail, were not guaranteed access to counsel, and received insufficient information on the reasons for their detention or the charges against them. In February, according to B'Tselem, Israel held 309 Palestinians under "administrative detention" without having charged them with an offense. A military commander can issue administrative detention orders for up to six months, renewable indefinitely, subject to review by a military judge.

During the year the ISA continued its practice of incommunicado detention, including isolation from monitors, legal counsel, and family throughout the duration of interrogation. A 2010 PCATI report found that 90 percent of Palestinian prisoners interrogated by the ISA were denied access to a lawyer. the Palestinian NGO Addameer reported that isolation was used to punish detainees or silence politically prominent Palestinian detainees; however, according to the Israeli government, the Israel Prison Service (IPS) does not hold detainees in separate detention punitively or to induce confessions, but rather only when a detainee threatens himself or others and other options have been exhausted, or in some cases during interrogation to prevent disclosing information. In such cases the Israeli government maintained that the detainee had the right to meet with ICRC representatives, IPS personnel, and medical personnel if necessary.

Arbitrary Arrest.—The ICHR reported that arbitrary arrest by the PA in the West Bank was a common practice, particularly arrests based on political affiliation with Hamas. The organization received more than 1,270 complaints of arbitrary arrests in the West Bank during the year. HRW reported in April that PA security forces improperly detained Palestinian journalists.

On July 2, according to an ICHR report, the Palestinian special police and personnel from the NSF arrested and later released protesters participating in a march organized by "Hizb al-Tahrir" in Hebron on the anniversary of the "Islamic Caliphate Collapse." The ICHR reported that security forces beat protesters with batons and gun butts.

The ICHR received more than 460 complaints of arbitrary arrests by Hamas in the Gaza Strip. Many of these arrests and detentions appeared to be politically motivated, targeting former PA officials, Fatah party members, and those suspected of ties to Israel.

Throughout the year there were reports that Israeli security forces in East Jerusalem and in the West Bank arbitrarily arrested and detained Palestinian protesters and activists, particularly those participating in demonstrations against the separation barrier.

Pretrial Detention.—The ICHR reported on at least 100 complaints of Palestinians who were detained by PA security services and not immediately released, even after courts ordered their release after determining their detentions were illegal.

It was unclear how long detainees in Hamas custody stayed in pretrial detention or what legal means, if any, Hamas used to detain individuals.

There were reports that detention by Israeli authorities could exceed the length of time that individuals would be sentenced for some convictions. For example, on March 24, the IDF arrested Bassem Tamimi, a Palestinian activist from the West Bank village of Nabi Saleh, for organizing youth to throw stones at IDF soldiers. Popular Struggle Coordination Committee contacts reported that in the six months following his arrest, there were nearly 20 hearings related to his case. The Committee reported that it expected the trial to last a least a year, which would leave him in prison awaiting trial for a longer duration than a typical sentence for related behavior.

e. Denial of Fair Public Trial.—The Palestinian Basic Law provides for an independent judiciary. In practice the PA generally respected judicial independence and the autonomy of the High Judicial Council and maintained authority over most court operations in the West Bank. PA-affiliated prosecutors and judges stated that IDF prohibitions on movement in the West Bank, including restrictions on the ability to transport detainees and collect witnesses, hampered their ability to dispense justice. In some cases involving investigations by PA intelligence services in the West Bank, civilian defendants appeared before the PA's military court system, which until 2011 had jurisdiction over security personnel and crimes by civilians against security forces. After Palestinian NGOs criticized this practice, however, the PA mandated that civilians appear before civilian courts.

Hamas-appointed prosecutors and judges operated courts in the Gaza Strip, although the PA considered them illegal.

Israeli law provides for an independent judiciary, and the government generally respected civil court independence in practice. The IDF tried Palestinians accused of security offenses (ranging from rock throwing to membership in a terrorist organization to incitement) in military courts, which some NGOs claimed were inadequate and unfair. Israeli law defines security offenses to include a variety of different charges.

Trial Procedures.—PA law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Juries are not used. Trials are public, except when the court determines privacy is required by PA security, foreign relations, a party or witness's right to privacy, or protection of a victim of a sexual offense or an "honor" crime. Defendants have the right to be present and to consult with an attorney in a timely matter during the trial, although during the investigation phase, the defendant only has the right to observe. The law provides for legal representation, at public expense if needed, in felony cases, but only during the trial phase. Defendants can confront or question witnesses against them or present witnesses and evidence during the trial, but not during the investigation phase; defendants may also review government-held evidence and have the right to appeal. Authorities generally observed these rights in practice.

As in previous years, the PA sought military judicial review and court orders for detaining civilians suspected of terrorist activity. In most of these incidents, the PA was unwilling to provide evidence required by the civilian court system, and the military courts provided a more efficient system to deal with any shortcomings in providing evidence.

Hamas authorities in the Gaza Strip follow the same criminal procedure law as the PA in the West Bank but implemented these procedures unevenly in practice.

Israelis living in settlements in the West Bank and in East Jerusalem were tried under Israeli civil law in the nearest Israeli district court. Israeli civil law applied to Palestinian residents of East Jerusalem. Palestinians held by Israeli authorities in the West Bank or in Israel were subject to trial in Israeli military courts. Military court trials of Palestinians and others in the occupied territories provide some, but not all, of the procedural rights granted in criminal courts. The same evidentiary rules used in Israeli criminal cases apply; for instance, convictions cannot be based solely on confessions. In military trials, however, prosecutors often present secret evidence that is not available to the defendant or counsel. Indigent detainees do not automatically receive free legal counsel for military trials, but in practice almost all

detainees had counsel, in part because NGOs would represent them. The military courts use Hebrew, but the defendant has the right to simultaneous interpretation in every hearing. Various human rights organizations claimed that Arabic interpretation was insufficient, especially since most interpreters were not professionals, but were instead bilingual Israelis performing mandatory military service. Defendants can appeal through the Military Court of Appeals and petition the High Court of Justice. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal. The military courts' annual report revealed that 99.74 percent of cases heard resulted in the defendant being found guilty.

Several NGOs claimed that Israeli military courts, which processed approximately 7,000 Palestinians in the West Bank during the year, were not equipped to adjudicate each case properly. NGOs and lawyers reported that it was better to plead guilty and receive a reduced sentence than to maintain innocence and go through a trial that could last months, if not more than a year. Human rights lawyers also reported that the structure of military trials, which take place in military facilities with military officers as judges, prosecutors, and court officials and have tight security restrictions, limited defendants' rights to public trial and access to counsel.

Signed confessions by Palestinian minors, which were written in Hebrew, a language most cannot read, continued to be used as a source of evidence against minors prosecuted in Israeli military courts. NGOs reported these confessions were often coerced during interrogations. B'Tselem reported that Israeli military courts acquitted only one out of 835 children accused of throwing stones between 2005 and 2010. Human rights lawyers reported unfair circumstances in one of the rare cases in which a child, Islam Dar Ayyoub, did not plead guilty. Dar Ayyoub was picked up in the middle of the night for throwing stones in the West Bank village of Nabi Saleh in October 2010 and signed a confession in Hebrew, a language he could not read, that stated that he had been informed of his right to remain silent. Video presented at Dar Ayyoub's trial, which continued at year's end, demonstrated that he was not informed of this right.

Political Prisoners and Detainees.—NGOs reported that arrests on political grounds occurred in the West Bank and Gaza; however, there was no estimate of the number of political prisoners the PA held during the year.

Hamas detained several hundred persons, allegedly because of their political affiliation or public criticism of Hamas and held them for varying periods of time. Numerous allegations of denial of due process and some executions were associated with these detentions. The ICRC had limited access to these prisoners.

Addameer reported that there were 23 PLC members detained by Israel in December, some of whom were not known to be members of Hamas, including two associated with the militant wing of Fatah. Palestinian media and NGOs posited that Israel's string of arrests of PLC members and other party leaders was in response to the PA's application for membership in the U.N.

Administrative detainees held by Israeli entities were not afforded an opportunity to refute the suspicions or access the evidentiary material presented against them in court. The ICRC was permitted access to administrative detainees.

Civil Judicial Procedures and Remedies.—The PA civil and magistrate courts handled civil suits and were able to provide an independent and impartial judiciary in most matters. However, there were unconfirmed reports of various factions trying to influence judicial decisions. A citizen can file a suit against the government, including on matters related to alleged abuses of human rights, but this was uncommon. There are administrative remedies available in addition to judicial remedies, but they were seldom used. The execution of court orders was not systematic.

Gaza Strip residents may file civil suits, including those related to human rights violations. Unofficial anecdotal reports claimed that Gaza Strip courts operated independently of the Hamas government and were at times impartial. There were reports that enforcement of court orders improved.

Israeli law denies Palestinians the possibility of obtaining compensation in most cases for human rights abuses or injuries resulting from illegal acts by Israeli security forces.

Property Restitution.—When the IDF offered opportunities for compensation for demolished or seized homes (see section 1.f.), subject to an appraisal, verification, and appeals process, Palestinians generally refused, citing a desire not to legalize the confiscation. Palestinians had difficulty verifying land ownership in Israeli courts according to Israeli definitions of land ownership.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The PA required the attorney general to issue warrants for entry and searches of private

property; however, Palestinian security services often ignored these requirements and entered homes without judicial authorization.

There was at least one example during the year of the PA harassing family members for an alleged offense by an individual. NGOs and the press reported that PA security forces arrested the brothers of Palestinian journalist Majdoleen Hassouneh reportedly in an attempt to pressure Hassouneh to turn herself into police after she covered a sit-in strike.

Hamas authorities in the Gaza Strip frequently interfered arbitrarily with personal privacy, family, and home, according to reporting from local media and NGO sources. NGOs reported numerous cases of home searches and property seizure without warrants targeting journalists, Fatah loyalists, civil society and youth activists, and those whom Hamas security forces accused of criminal activity. Hamas forces monitored private communications systems, including telephones, e-mail traffic, and social media sites by demanding passwords, access to personal information, and seizure of personal electronic equipment of detainees. While Hamas membership did not appear to be a prerequisite for obtaining housing, education, or government services, employment in some government positions in Gaza, such as the security services, was commonly reserved for Hamas members only. In several instances, Hamas detained individuals for interrogation and harassment based on the purported actions of their family members, particularly prodemocracy youth activists.

Hamas enforced a policy of curbing activities that it deemed contrary to Islam or "immoral." For example, during the week of February 21, Hamas police summoned five male hairdressers whose clients were primarily women and compelled them to sign pledges to "avoid sinful acts" and not to reenter their salons on penalty of a 20,000 NIS fine (approximately $5,500) or incarceration. In late December Hamas police officials reportedly demanded that 142 self-described fortune-tellers sign documents promising to discontinue their business operations, and Hamas also inspected several clothing vendors, warning against displays of nude mannequins, lingerie, or "indecent advertisements."

There were no reports that Israeli security monitored private communications or movement of individuals without legal process. Under occupation orders only IDF officers of lieutenant colonel rank and above could authorize entry into Palestinian private homes and institutions in the West Bank without a warrant, based upon military necessity. There were no reported cases of IDF soldiers punished for acting contrary to this requirement. The PCATI reported that Israeli authorities threatened an East Jerusalem man arrested on November 2 at his home in Wadi Joz in East Jerusalem on unknown charges; they reportedly told him they would detain his wife if he did not confess. On November 15, Israeli officials summoned, arrested, and detained her until November 27, when she was released without indictment.

In the West Bank and East Jerusalem, the Israeli Civil Administration, part of Israel's Ministry of Defense, continued to demolish homes, cisterns, and other buildings and property constructed by Palestinians in areas under Israeli civil control on the basis that these buildings lacked Israeli planning licenses. Compensation was generally not offered in these cases. Properties approximately 328 yards from the separation barrier or IDF military installations also remained subject to demolition or confiscation. NGOs expressed great concern over demolitions in Area C of the West Bank. For example, B'Tselem and UNOCHA reported that the Israeli Civil Administration informed approximately 250 Bedouin families in the Khan al-Ahmar area east of Jerusalem that they would be relocated. The rate of demolitions increased: UNOCHA reported that 222 residential structures and 400 other structures were demolished during the year, representing a 96 percent increase in residential demolition between 2009 and 2011 and a 153 percent increase in other (nonresidential) demolitions. Between 2010 and 2011 alone, there was a 62 percent increase in residential demolitions and a 36 percent increase in other demolitions. UNOCHA counted that demolitions displaced more than 1,000 individuals in East Jerusalem and "Area C" of the West Bank during the year.

Affected Palestinians and human rights NGOs reported that the IDF was largely unresponsive to Israeli settlers' actions against Palestinians in the West Bank, including demolition of property (see section 6, National/Racial/Ethnic Minorities).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The PA Basic Law provides every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. The PA does not have laws specifically providing for freedom of press; however, PA institutions applied aspects of an unratified 1995 press law as de facto law. In practice, PA security forces in the West Bank and members of the Hamas security apparatus in the Gaza Strip continued to restrict freedom of speech and press. HRW reported that since 2007

most abuses against journalists in both the West Bank and Gaza were related to tensions between the PA and Hamas. The PA military judiciary detained civilian journalists, according to human rights organizations.

Israeli authorities placed limits on certain forms of expression in the occupied territories.

Freedom of Speech.—Although there is no PA law prohibiting criticism of the government, there were reports that the government was not fully tolerant of criticism. HRW reported in February that the PA repeatedly responded to peaceful demonstrations with violent attacks (see section 2.b., Freedom of Assembly).

In the Gaza Strip, individuals publicly criticizing authorities risked reprisal by Hamas, including arrest, interrogation, seizure of property, and harassment. Civil society and youth activists, social media advocates, and individuals associated with political factions accused of criticizing Hamas in public fora such as the Internet faced punitive measures including raids on their facilities and residences, arbitrary detentions, and denial of permission to travel outside of Gaza. The ICHR reported numerous detentions of protesters in the Gaza Strip. For example, the ICHR reported at least 16 arrests of protesters in March alone and numerous instances in which Hamas quelled rallies and protests with violence.

In East Jerusalem, under Israeli authority, displays of Palestinian political symbols were punishable by fines or imprisonment, as were public expressions of anti-Israeli sentiment and support for terrorist groups. Israeli security officials regularly shut down meetings or conferences held in East Jerusalem affiliated with the PA or with PA officials in attendance. For example, the ISA warned organizers of a Palestinian agricultural trade show in East Jerusalem in September that they would face closure if they invited PA officials or displayed a Palestinian flag. In September Israeli police ordered shut a meeting in East Jerusalem on Israeli changes to Palestinian school curricula, and Israeli security officers questioned the organizers about their involvement in the meeting.

Freedom of Press.—Across the occupied territories, independent media operated with some restrictions.

In the West Bank, the PA placed some restrictions on independent media as well as official media. The PA maintained a distribution ban in the West Bank on the twice-weekly pro-Hamas al-Risala and the Filistin daily newspapers, both Gaza-based publications. Hamas's al-Aqsa TV reportedly enjoyed some degree of access to work in the West Bank without harassment.

In the Gaza Strip, Hamas restricted independent media, especially for non-Hamas-affiliated press and media outlets. Israel restricted the mainstream pro-PA dailies, independent al-Quds (based in Jerusalem), independent pro-Fatah al-Ayyam, and PA official daily al-Hayat al-Jadida (the latter two based in the West Bank), from importation into the Gaza Strip. Hamas authorities tolerated reporting and interviews featuring officials from the PA to be locally broadcast. Hamas allowed, with some restrictions, the operation of non-Hamas-affiliated broadcast media in the Gaza Strip. The PA-supported Palestine TV reportedly enjoyed access to operate in the Gaza Strip.

In East Jerusalem independent media were able to operate. As a general rule, Israeli media were able to cover the occupied territories, except for combat zones where the IDF temporarily restricted access, but closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs (see section 2.d.). Israel revoked the press credentials of the majority of Palestinian journalists during the Second Intifada in 2000, with the exception of a few Palestinian journalists who worked as stringers for prominent international media outlets. As a result most Palestinian journalists were unable to cover stories outside the Palestinian-controlled areas of the West Bank.

Violence and Harassment.—PA security forces reportedly harassed, detained occasionally with violence, and fined journalists several times during the year due to their reporting. HRW reported in April that the PA Preventative Security and General Intelligence services intimidated, detained, and assaulted journalists with impunity, including through detentions of civilian journalists by the military judiciary.

According to the Palestinian Center for Development and Media Freedoms (MADA), PA police officers prevented Ibtihal Mansour, a reporter for al-Sharq al-Awsat Studies Center, from covering a sit-in against PA political arrests in Nablus on June 13. Mansour stated that, although she adhered to orders, two female officers in civilian clothes beat her up and tried to confiscate her camera and cell phone. She was released after the intervention of members of the public and other journalists.

PA security services summoned and questioned several journalists in the West Bank. For example, on September 10, the Palestinian intelligence services in Beth-

lehem summoned al-Aqsa TV cameraman Osayd Amarneh, whom they questioned about filming a protest and later released.

In the Gaza Strip, journalists faced arrest, harassment, and other pressure from Hamas due to their reporting. There were reports that Hamas also summoned journalists for questioning in an attempt to intimidate them. Hamas also constrained journalists' freedom of movement during the year, attempting to ban access to some official buildings, as well as several prodemocracy protests.

During coverage of popular intra-Palestinian reconciliation protests on March 19 in Gaza City, Hamas internal security forces forcibly entered the Gaza City offices of CNN, NHK (Japan's public broadcasting service), and Reuters, assaulted several journalists, seized equipment, and demanded that the journalists stop filming the protests.

According to MADA, on August 17, Hamas security personnel prevented Wisam Zu'bur, a photographer for al-Hurriya Media Center, from taking pictures near al-Rimal neighborhood in Gaza City.

There were reports during the year of Israeli authorities detaining or assaulting journalists due to their reporting or coverage. In various incidents Israeli forces subsequently raided those journalists' homes.

For example, on August 19, Israeli forces reportedly assaulted Al Jazeera cameraman Nabeel Mizawi and correspondent Shireen Abu Akleh while the two were covering Friday prayers at al-Aqsa mosque in Jerusalem's Old City. In a live report on Al Jazeera, Abu Akleh claimed that IDF personnel beat Mizawi and ordered them to stop filming. According to the report, IDF personnel also cut a voice cable to mute the broadcast.

Local media reported that on November 22, Israeli authorities arrested Israa Salhab, a reporter for al-Quds satellite station, after she anchored a program on Palestinian prisoners. She was released on November 28 and never faced official charges.

Censorship or Content Restrictions.—The PA prohibits calls for violence, displays of arms, and racist slogans in PA-funded and controlled official media. Media throughout the occupied territories practiced self-censorship. There were no confirmed reports of any legal actions or prosecutions against any person publishing items counter to these PA guidelines.

Civil society organizations reported that Hamas censored television programs and written content, such as newspapers and books. On January 23, according to HRW, Hamas police officers entered three bookstores in Gaza and confiscated copies of two novels—Haidar Haidar's A Banquet for Seaweed and Alaa' al-Aswany's Chicago—and searched for copies of a third book, Forbidden Pleasure, telling the store owners that the books were seized because the Hamas ministry of interior "deemed them "against sharia" (Islamic law).

There were no reports that the Israeli government monitored the media in the occupied territories. Israeli authorities retain the right to review and approve in advance of printing all Jerusalem-based Arabic publications for material perceived as a security threat. In practice anecdotal evidence suggested the Israeli authorities did not actively review the Jerusalem-based al-Quds newspaper or other Jerusalem-based Arabic publications. Jerusalem-based publications reported that, based on previous experiences with Israeli censorship, over time they came to know what is acceptable and self-censored publications accordingly.

Libel Laws/National Security.—There were instances in which slander and libel laws were used to suppress criticism. For example, on August 16, the PA attorney general banned the annual Palestinian Broadcasting Corporation's Palestine TV Ramadan comedy program series, Watan ala Watar, in its third season, after PA security forces, representatives of the PA Ministry of Health, and the union of PA employees filed complaints claiming the program slandered members of their respective professions. On August 18, the PA attorney general issued final orders sanctioning the forcible suspension of the program.

There were no known reports that Hamas used security justifications or slander or libel laws to censure public critique.

Internet Freedom.—There were no PA restrictions on access to the Internet; however, there were reports that the PA, Hamas, and Israel monitored e-mail and Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail.

On August 11, the Palestinian Telecommunication Company (PTC) suspended the Web site of electronic newspaper Alshu'la for one week, according to MADA. Alshu'la filed a complaint against the PTC with the PA attorney general. Alshu'la was reportedly forced offline because of a dispute between the PA and former Fatah member Mohammed Dahlan, who financially sponsored the site.

On November 15, PA intelligence services arrested George Qanawati, station manager of Bethlehem 2000 Radio, after he published a comment on his Facebook page on September 8 about tensions within Fatah. He was released five days later without charges.

Hamas did not restrict Internet access; however, based on anecdotal reports from Palestinian civil society organizations and social media practitioners, Hamas authorities monitored Internet activities and postings of Gaza Strip residents. Individuals posting negative reports or commentary about Hamas, its policies, or affiliated organizations faced questioning, and authorities at times required them to remove or modify online postings. No information was available regarding punishment for not complying with such demands.

Israeli authorities did not restrict access to the Internet; however, they monitored some Internet activity.

Academic Freedom and Cultural Events.—In the West Bank the PA did not place restrictions on academic freedom, and there were no known reports of PA censorship of school curricula or plays, films, or exhibits in the West Bank. During the year the PA did not interfere with education; however, restrictions on movement adversely affected academic institutions and access to education in the West Bank, as the existence of Israeli checkpoints, although they decreased in number, created difficulties for students and faculty commuting to university campuses (see section 2.d). While there was no overt threat to academic freedom, faculty were aware of security elements' presence on university campuses among the student body and faculty, which may have led to self-censorship.

In the Gaza Strip, Hamas authorities sought to disrupt some educational, cultural, and international exchange programs. Hamas prevented high school students from the Gaza Strip from participating in select cultural and educational exchange programs including programs sponsored by foreign governments and international organizations, including a selected a delegation of 30 eighth-grade students selected by the U.N. Refugee and Works Agency (UNRWA) who were traveling to Jerusalem to obtain visas for onward travel to the United States in the spring. In some cases Hamas maintained that permits would be granted if accompanied by Hamas officials for the duration of the trip.

Public and UNRWA schools in Gaza followed the same curriculum as West Bank schools, and there was limited interference by Hamas at the primary and secondary level. At the university level there were no known reports of significant interference in teaching or studying.

The Hamas ministry of culture censored films shown at public venues in Gaza, including cutting scenes depicting women deemed to be against "traditional values" from several movies shown during a film festival held from July 13-15 at the Gaza Women's Affairs Center.

Hamas authorities also interfered in local cultural programs. For example, the Gaza-based Society for Culture and Arts reported that the Hamas ministry of culture reviewed the scripts of all plays performed by the society to ensure that they met their approval and did not offend local religious and cultural values. On September 23, Hamas canceled the public broadcast at Gallery Gaza (a cultural venue) of PA President Mahmoud Abbas' speech at the U.N.

Israeli authorities generally did not permit students from the Gaza Strip to attend West Bank universities; only three students were granted permission during the year. The three students all faced delays in processing their permits. In general Gazan students did not apply to West Bank universities because they understood that Israel would deny permit requests.

In East Jerusalem, Israeli security shut down an event at the Palestinian National Theater (al-Hakawati) in April, on the suspicion that the event was organized by the PA. Also in April, Israeli authorities canceled a soccer-related celebration planned by the East Jerusalem-based Palestinian youth NGO, The Workers' Club, under suspicion that it had been organized by the PA.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—Palestinian law permits public meetings, processions, and assemblies within legal limits. It requires permits for rallies, demonstrations, and large cultural events, and authorities rarely denied them. However, both PA and Hamas forces attempted to break up selected protests and demonstrations during the year, including demonstrations in solidarity with the Egyptian revolution in February. Palestinian NGOs stated that checkpoints and police arrests were used in some cases to restrict protests.

NGOs reported that the PA in the West Bank restricted freedom of assembly and movement based on political leanings of the demonstrators. On February 5, PA security forces arrested and physically abused at least five peaceful protesters in

Ramallah who were chanting slogans in support of demonstrators in Egypt and publicly criticizing the PA, according to HRW.

According to a Hamas decree, any public assembly or celebration in the Gaza Strip requires prior permission, in contradiction of the PA Basic Law. During the year Hamas specifically banned public celebrations regarding the Palestinian U.N. bid for statehood. On March 15, Hamas police and security officers, some in plain clothes, violently broke up youth-led demonstrations calling for Palestinian unity. HRW reported that Hamas intimidated and in some cases arrested youth activists calling online for Palestinian reconciliation demonstrations. Hamas detained, harassed, seized personal property from, and prevented access to legal counsel for youth activists publicly participating in reconciliation demonstrations in Gaza. In addition Hamas did not permit Fatah members to hold rallies, including preventing a rally celebrating the 47th anniversary of the founding of Fatah.

Hamas officials also attempted to impede potential criticism of Hamas policies by imposing arbitrary demands for the approval of meetings on political or social topics. On December 1, Hamas security forces shut down a videoconference on women's rights and forced the departure of attendees from the Gaza Red Crescent Society for reportedly not including Hamas "prime minister" Isma'il Haniyeh in the program. On December 4, Hamas security forces forcibly terminated a Gaza videoconference of a social media event based in the West Bank after threatening to storm the building and arrest attendees. Although the coordinator maintained he had secured the relevant permits, Hamas refuted the claim.

The IDF continued its use of a 1967 military order that effectively prohibited Palestinian demonstrations and limited freedom of speech in the West Bank. The order stipulates that a "political" gathering of 10 or more persons requires a permit from the regional commander of military forces. The penalty for a breach of the order is 10 years' imprisonment or a heavy fine.

Various NGOs noted the IDF demonstrated a lack for respect for the freedom of assembly and often met demonstrators with an aggressive response. Israeli security forces used force against Palestinians and others involved in demonstrations in the West Bank and East Jerusalem, killing one protester during the year (see section 1.a.). The IDF used force particularly against protests by the Popular Resistance Committee against the construction of the separation barrier. IDF forces responded to protests with military crowd-control techniques or weapons, such as tear gas, stun grenades, and force to push back protesters. On November 23, during weekly protests in Nabi Saleh, IDF forces used .22-caliber live fire, which wounded one protester. Israeli military regulations specifically forbid the use of this form of ammunition as a crowd control mechanism.

The IDF Central Command maintained its designation of areas adjacent to the separation barrier in the villages of Bil'in and Ni'lin as "closed military areas" every Friday during the hours in which Palestinian, Israeli, and international activists regularly demonstrated. There were frequent skirmishes between the antibarrier protesters and IDF personnel. IDF and Israeli police personnel stationed on the far side of the barrier during weekly protests in Bil'in and Ni'lin, for instance, responded to rock throwing with tear gas, stun grenades, sound bombs, and rubber-coated bullets. Some citizen journalists claimed that the IDF's launching of tear gas canisters into crowds at high speeds effectively made the canister a weapon itself.

Abdallah Abu Rahmah, the coordinator for Bil'in Popular Committee Against the Wall protests who was arrested in 2009 and found guilty of incitement and organizing illegal demonstrations in August 2010, was scheduled for release in November 2010; however, the prosecution won an appeal to lengthen the sentence to create "a deterrence not only to [Abu Rahmah], but also to others who may follow in his footsteps." In January the military court of appeals sentenced Rahmah to an additional three months. He was released on March 14.

The ACRI continued to report arbitrary restrictions on the freedom of assembly in East Jerusalem, including the use of unlawful arrests to intimidate demonstrators. In one example, municipal authorities required antisettlement demonstrators in Sheikh Jarrah to apply for permits to hold demonstrations.

Freedom of Association.—In the West Bank the PA law allowed for freedom of association, but it was sometimes limited in practice.

In the Gaza Strip, Hamas attempted to prevent various organizations from operating, including some it accused of being Fatah-affiliated, as well as private businesses it deemed to be in violation of Islamic social norms. In July Hamas began requiring NGOs to undergo audits and suspended the operations of some when they did not allow on-site audits.

Israel maintained prohibitions on at least six prominent East Jerusalem-based Palestinian institutions—the Orient House, the de facto PLO office in Jerusalem, the East Jerusalem Chamber of Commerce, the Higher Arab Council for Tourism,

the Palestine Research Center, the Palestinian Prisoners Club, and the Social Research Office—claiming that the groups violated the Oslo Accords by operating on behalf of the PA in Jerusalem. According to press reports, Israeli authorities closed as many as 10 organizations in East Jerusalem on suspicion that they were linked with terrorist organizations, particularly Hamas.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at http://www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The PA Basic Law provides for freedom of movement, and the PA generally did not restrict freedom of movement. The Basic Law does not specify regulations regarding foreign travel, emigration, or repatriation.

Hamas authorities in the Gaza Strip restricted some foreign travel. Hamas decisions in June and August increased restrictions on the entry, exit, and stay of foreigners, including aid workers. Hamas also prevented the exit of some Palestinians from Gaza as a means to protest the purpose of their travel or coerce a behavior change, such as the payment of taxes and fines.

The IDF restricted Palestinians' movement within the occupied territories and for foreign travel, and, citing military necessity, it increased these restrictions at times. Barriers to movement included checkpoints, a separation barrier between the West Bank and Israel, internal road closures, and restrictions on the entry of persons and goods into and out of the Gaza Strip. Restrictions on movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, and hospitals, as well as the conduct of journalistic, humanitarian, and NGO activities.

The PA, Hamas, and Israeli governments generally cooperated with the UNHRC and other humanitarian organizations in providing protection and assistance to internally displaced persons and refugees; however, both Hamas and Israeli officials constrained the UNRWA's ability to operate freely in Gaza.

In-Country Movement.—Hamas authorities did not appear to enforce routine restrictions on internal movement within the Gaza Strip, although there were some "no go" areas to which Hamas prohibited access.

According to UNOCHA, as of August, the Israeli government maintained more than 519 obstacles to movement inside the West Bank. For example, three roadblocks south of Hebron impeded movement for tens of thousands of residents of Palestinian villages, cutting direct access for businesses to the city's commercial center. While there was some lifting of permanent checkpoints in recent years, Israeli authorities frequently prohibited travel between some or all West Bank towns and deployed "flying" (temporary) checkpoints. Palestinians who lived in affected villages stated that such "internal closures" continued to have negative economic effects. During periods of potential unrest and major Israeli, Jewish, and Muslim holidays, Israeli authorities enacted "comprehensive external closures," which precluded Palestinians from leaving the West Bank. The IDF also imposed temporary curfews confining Palestinians to their homes during arrest operations.

The Israeli government resumed construction of a separation barrier, which ran along parts of the Green Line (the 1949 Armistice line) and inside the West Bank. If completed, the barrier would separate approximately 9.5 percent of the West Bank (135,000 acres inhabited by up to 50,000 Palestinians), including parts of Jerusalem, from the rest of the West Bank territory. By use of special permits, Israel continued to restrict movement and development within this area, including access by some international organizations. NGOs reported that many Palestinians who were separated from their land were only allowed access to their property a few days a year. There were reports that permits were not issued in the Bethlehem area, which resulted in Palestinian farmers' being completely unable to access their lands for harvest season. Private security companies employed by the Israeli government controlled points of access through the barrier, and international organizations and local human rights groups claimed these companies did not respond to requests to move goods and officials through the barrier. The barrier affected the commute of children to school in Jerusalem and some farmers' access to land and water resources. Operating hours of the accessible gates were limited and erratic, although usually announced. In April the Israeli High Court ruled against a 2003 petition by the NGO HaMoked that contested the legality of the permit system. A 2004 advisory opinion of the International Court of Justice advisory body deemed the barrier contrary to international law.

Israel continued to enforce restrictions on access to farmland in the Gaza Strip near the boundary with Israel and to fishing areas along the coast, with the stated intention of preventing attacks by Palestinian armed factions. Israel continued to enforce the "buffer zone" beyond the declared 300 yards from the separation fence,

including directing live fire at Gazans at distances of more than 1,000 yards, according to UNOCHA (see also section 1.a.). The "buffer zone" encompassed approximately 24 square miles, representing 17 percent of the Gaza Strip's total land mass. UNOCHA estimated that nearly 35 percent of the Gaza Strip's cultivable land was located within the restricted area.

Eighty-five percent of Gaza's fishing waters were completely or partially inaccessible to Palestinians due to Israeli restrictions. Israeli naval patrol boats strictly enforced a fishing limit at three nautical miles from the shore of the Gaza Strip, reduced from twenty nautical miles as designated under the 1994 Agreement on the Gaza Strip and Jericho Area (later incorporated into the 1995 "Interim Agreement"). In the northern Gaza Strip, Israel restricted Palestinians from accessing a 1.5-nautical-mile-wide strip along the maritime boundary with Israel, as well as a one-nautical-mile-wide strip in the South, which was poorly enforced, along the maritime boundary with Egypt, as established in the 1994 agreement. Israeli naval forces regularly fired warning shots at Palestinian fishermen entering the restricted sea areas, in some cases directly targeting the fishermen, according to UNOCHA. The Israeli military often confiscated fishing boats intercepted in these areas and detained the fishermen.

There were reports that Israeli authorities attempted to reduce the Palestinian population and limit its movement in areas under Israeli control. Military authorities severely restricted Palestinian vehicular and foot traffic in the commercial center of Hebron, citing a need to protect several hundred Israeli settler residents. Palestinians were prohibited from driving on most roads in downtown Hebron and from walking on Shuhada Street and other roads in the Old City; however, Israeli settlers were permitted free access to these roads. The prohibition, which began in 2000, had resulted in the closure of 1,829 businesses and 1,014 Palestinian housing units, according to B'Tselem; the IDF closed most shops on the street and sealed entrances to Palestinian houses. Demolition orders in and around Hebron also threatened single buildings, family homes, and other civilian structures; in some cases, entire villages such as Dkaika, southeast of Hebron, were subject to ongoing demolition orders.

Foreign Travel.—Hamas authorities in the Gaza Strip enforced movement restrictions on Palestinians attempting to exit Gaza to Israel via the Erez Crossing and to Egypt via the Rafah Crossing, although they occasionally prevented Fatah members and youth activists from exiting through either crossing.

In June 2010 Israel partially eased the severe restrictions on movement and access for the Gaza Strip, imposed following Hamas' rise to power in 2007, and imported goods increased during the year. Categories of individuals permitted to enter or exit the Gaza Strip at the Erez crossing point with Israel were largely limited to humanitarian cases; however, the Israeli government also permitted an increased number of businesspersons and some students to cross during the year. The approval rate for exit requests based on medical need during the year was 89.3 percent from January through November, a significant improvement from 2009 and 2010, when approval rates were 68.3 percent and 78.1 percent, respectively. The total numbers of medical patients crossing at Erez also increased, averaging 938 per month during the year, in comparison with 428 and 757 per month in 2009 and 2010, respectively. Israel allowed for increased movement through Erez for business purposes by increasing the validity (often three months) and number of permits issued for business travelers from the Gaza Strip, with approximately 500 permits valid by year's end. Beginning in May the government of Egypt eased its restrictions on travelers allowed to cross through the Rafah crossing, allowing approximately 500-600 to travel each way.

Restricted access to East Jerusalem had a negative impact on patients and medical staff trying to reach the six Palestinian hospitals there that offered specialized care unavailable in the West Bank. IDF soldiers at checkpoints subjected Palestine Red Crescent Society (PRCS) ambulances from the West Bank to violence and delays, or refused entry into Jerusalem even in emergency cases. When ambulances lacked access, patients were moved across checkpoints from an ambulance on one side to a second ambulance (usually one of five East Jerusalem-based ambulances) or private vehicle on the other side. The PRCS reported hundreds of violations against its teams and humanitarian services during the year. Most incidents included blocking access to those in need, preventing their transport to specialized medical centers, or maintaining delays on checkpoints for periods sometimes lasting up to two hours. Most incidents took place at the Qalandiyah and Az-'Za'ayyem checkpoints leading to East Jerusalem, while the remainder took place at other checkpoints circling the West Bank. The PCRS reported that on June 30, Israeli forces at the Wadi al-Ghroos checkpoint in Hebron's Old City stopped an ambulance en route to assist an unconscious Palestinian. After an hour, the PCRS team left

their vehicle and began heading to the patient's house on foot. The patient later went to the hospital in a private vehicle.

The IDF restricted Gazan students from studying in the West Bank or Israel and limited West Bank Palestinians from university study in East Jerusalem and Israel (see section 2.a.). Palestinians possessing Jerusalem identity cards issued by the Israeli government needed special documents to travel abroad. Upon the individual request of Palestinians, the Jordanian government issued them passports.

Residency restrictions affected family reunification, which did not qualify as a reason to enter the West Bank. For a child in the Gaza Strip, for example, access to a parent in the West Bank was permitted only if no other relative was resident in the Gaza Strip. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or whose residence permits the Israeli government subsequently withdrew, to reside permanently in the occupied territories. It was difficult for foreign-born spouses and children of Palestinians to obtain residency. Palestinian spouses of Jerusalem residents were required to obtain a residency permit and reported delays of several years in obtaining them.

Exile.—Continued Israeli revocations of Jerusalem identity cards amounted to forced exile to the occupied territories or abroad. According to HaMoked, the Israeli Ministry of Interior renewed "temporary" orders authorizing the revocation of Jerusalem residency rights from legal residents. The Ministry of Interior revoked 191 permits in 2010. Reasons for revocation included having acquired residency or citizenship in a third country, living "abroad" (including in the West Bank or the Gaza Strip) for more than seven years, or, most commonly, being unable to prove a "center of life," interpreted as full-time residency, in Jerusalem. Some Palestinians born in Jerusalem but who studied abroad reported losing their Jerusalem residency status.

On December 7, an Israeli court ordered Hamas-affiliated PLC member Ahmad Atoun expelled from Jerusalem to the West Bank. Atoun was one of three Hamas-affiliated politicians who took refuge in the ICRC mission in Jerusalem in July 2010 after the Israeli Ministry of Interior revoked their Jerusalem residency permits. Atoun stayed at the ICRC building until September 2011, when Israeli police arrested him at the compound's gate.

Internally Displaced Persons (IDPs).—Although IDP were not centrally or systematically registered, the Unified Shelter Sector Database estimated there were approximately 15,700 IDPs in the Gaza Strip who remained displaced as a result of Operation Cast Lead. UNOCHA estimated that more than 1,000 individuals were displaced in the West Bank and East Jerusalem as a result of house demolitions during the year.

Although there is no specific legislation to protect IDPs along U.N. principles and guidelines, West Bank and Gaza Strip authorities are bound by international human rights laws underlying these obligations on displacement. Through rental subsidies and financial assistance to reconstruct demolished houses, the PA provided some assistance to those displaced. The UNRWA and humanitarian organizations provided services to aid IDPs in the Gaza Strip and West Bank, with some limitations due to movement and border access as a result of Israeli restrictions. In the Gaza Strip, Hamas authorities pressed international and local aid organizations providing emergency assistance to coordinate relief efforts with the Hamas ministry of social affairs. Several Gaza-based NGOs reported that Hamas prevented aid groups from distributing assistance after they refused to comply with Hamas regulations.

Protection of Refugees.—Access to Asylum.—There were no reports of persons seeking asylum in the occupied territories, although the UNHRC reported that several African migrants were detained in PA jails. At year's end the UNHRC was working to determine whether those persons were bona fide refugees in need of protection. According to a UNRWA estimate in January, there were 848,494 Palestinian refugees in the West Bank and 1,167,361 in Gaza, many living in 27 UNRWA-affiliated refugee camps, 19 in the West Bank and eight in Gaza. The refugees included those displaced as result of the 1948 conflict in Israel and their descendents.

Refugee Abuse.—In December IDF airstrikes in Gaza damaged a UNRWA school, and in August an IDF sniper shot and killed a refugee student.

On April 19, 52-year-old Adel Saleh Riziq of the Jabalia Refugee Camp died while in detention in Gaza City; he was arrested at his home on April 14, and family members claimed via an affidavit filed with the ICHR that they were informed several days later that his severely bruised body had arrived at al-Shifa Hospital. The Hamas ministry of interior formed an investigative committee following the incident, but no findings were released by year's end.

The Israeli government obstructed refugee access to UNRWA-provided humanitarian assistance in the West Bank and the Gaza Strip. The U.N. estimated that 75 percent of the population of the Gaza Strip were recipients of international aid and that 54 percent were food insecure. Essential infrastructure in the Gaza Strip, including water and sanitation services, was in a state of severe disrepair due in part to an inability to bring in spare parts and components under Israeli import restrictions. During the year, however, the Israeli government approved several donor-funded water and sanitation projects, and two large-scale wastewater treatment facilities were under construction.

Access to Basic Services.—While many planned UNRWA projects in the Gaza Strip remained pending approval with Israeli authorities, the Israeli coordinator for government activities in the territories approved 73 UNRWA projects during the year, including 1,200 new housing units in June and other international assistance projects. The UNRWA reported that it did not receive approval to date for three rehousing projects for the provision of 1,700 shelters to refugees in Rafah and Khan Younis refugee camps, pending since 2007 and resubmitted the requests to the Israeli authorities in March.

The UNRWA operated 243 schools with more than 219,000 refugee students in the Gaza Strip, but it claimed its capacity was severely overstretched by Israeli restrictions and that restrictions on movement and access in particular undermined its ability to provide education. UNRWA schools in the Gaza Strip ran on a double shift in "compressed learning periods" and had as many as 50 students per classroom. Thousands of students were schooled in makeshift classrooms.

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

Elections and Political Participation.—Recent Elections.—In 2006 the 132-member PLC was elected in a process under the Basic Law that international observers concluded generally met democratic standards in providing citizens the right to change their government peacefully. Hamas-backed candidates participated in the 2006 PLC elections as the "Reform and Change Movement" and won 74 of 132 seats. Fatah won 45 seats, and independents and candidates from third parties won the remaining seats. The PLC lacked a quorum and did not meet during the year. Although the Israeli government and the PA followed mutually agreed guidelines for Palestinians residing in Jerusalem to vote in 2005 and 2006, not all Palestinians were allowed to vote in East Jerusalem, and those who could vote were required to do so via post offices (of which there were few), thereby complicating their ability to vote. At the end of the year, municipal elections were put on hold indefinitely, and no date has been set for national elections.

Political Parties.—Civil society organizations in the Gaza Strip claimed Hamas authorities and other conservative Islamist groups did not tolerate public dissent, opponents, civil activism, or the promotion of values that ran contrary to their political and religious ideology.

Participation of Women and Minorities.—There were 17 women in the 132-member PLC and three women in the 16-member cabinet. There were seven Christians in the PLC and two in the cabinet.

Section 4. Official Corruption and Government Transparency

Palestinian law provides criminal penalties for official corruption, and the government respected this in practice, making progress during the year. The PA's anticorruption commission, consisting of special prosecutors, and an anticorruption court consisting of a panel of three judges, was investigating more than 140 cases and had indicted two PA ministers. PA ministers are subject to financial disclosure laws. The PA attorney general has official responsibility for combating government corruption. There were allegations of past corrupt practices among Fatah officials, particularly in the theft of public funds and international assistance money. The World Bank reported that the PA made significant progress in combating corruption, particularly in public financial management reforms, but that additional reforms in land and business registration were needed. World Bank polling found that public perception of corruption remains high.

In the Gaza Strip local observers and NGOs alleged instances of Hamas complicity in corrupt practices, including preferential purchasing terms for real estate and financial gains from involvement in the illegal tunnel trade by the Hamas security forces, but access to information and reporting were severely inhibited.

PA law requires official PA institutions to "facilitate" acquisition of requested documents or information by any Palestinian, but it does not require agencies to provide such information. Reasons for denial generally referred to privacy rights and security necessity.

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

Palestinian human rights groups and several international organizations generally operated without PA restriction, and officials cooperated with their efforts to monitor the PA's human rights practices. Several PA security agencies, including the GI and PCP, appointed official liaisons that worked with human rights groups. The PA was open to human rights observers, and there were no reports of harassment of NGOs.

In the Gaza Strip, Hamas routinely harassed civil society, breaking up Internet forums, and peaceful organizations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to assure compliance and summoned NGO representatives to police stations for questioning.

Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings, although ongoing fighting, movement restrictions in the West Bank, and access restrictions in the Gaza Strip made it difficult to carry out their work. The Israeli government permitted some human rights groups to publish and hold press conferences, and it provided the ICRC with access to most detainees.

U.N. and Other International Bodies.—PA and Israeli officials generally cooperated with and permitted visits by U.N. representatives or other organizations, such as the ICRC. There were numerous reports that Hamas harassed members of NGOs and international organizations.

The U.N. and international NGOs reported continued difficulty accessing "seam zone" communities in the northwestern West Bank, particularly Barta'a al-Sharqiya in the Jenin Governorate, due to Israeli authorities' excessive demands for searches of personnel, including U.N. employees, based on their nationality.

Government Human Rights Bodies.—The quasigovernmental ICHR continued serving as the PA's ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights violations within Palestinian-controlled areas; the ICHR also issued formal recommendations to the PA.

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

PA law prohibits discrimination based on race, gender, disability, language, or social status. PA authorities worked to enforce these laws; however, failures continued in practice.

Hamas, despite remaining under the authority of Palestinian laws prohibiting discrimination, continued to implement discriminatory policies based on race, political affiliation, gender, and sexual orientation.

Many NGOs reported that Israeli actions in the West Bank and Gaza amounted to racial and cultural discrimination, and they cited legal differences between Palestinians in the West Bank and Jewish settlers in the West Bank as a clear policy of racial discrimination.

Women.—Rape and Domestic Violence.—Rape is illegal under PA law, but the legal definition does not address spousal rape; laws that apply in both the West Bank and the Gaza Strip relieve rapists who marry their victim of any criminal responsibility. Punishment for rape is five to 15 years in prison; however, societal norms limited the frequency of reporting. In addition there were reports that some accused rapists were released from custody after apologizing to victims. A 2011 survey by the Palestinian Authority's Central Bureau of Statistics found that 37 percent of women (29.9 percent in the West Bank and 51.1 percent in Gaza) who were married reported exposure to violence.

PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. NGOs reported that women were frequently unwilling to report cases of violence or abuse to the police because of fear of retribution, and HRW stated that few domestic violence cases were successfully prosecuted in recent years. Many women and girls stated they believed the legal system discriminated against women. According to the Palestinian Central Bureau of Statistics, violence against wives, especially psychological violence, was common in the West Bank and the Gaza Strip. Specifically, a 2009 survey by the Palestinian Women's Information and Media Center found that 52 percent of Gazan women faced regular physical violence. According to a 2009 survey conducted by the U.N. Gender Task Force, 37 percent of women in the Gaza Strip cited domestic violence as the primary safety problem facing women and girls in their communities. The results also showed increases in domestic violence against women among households displaced by conflict.

Harmful Traditional Practices.—The media reported on only one "honor" killing in the Palestinian territories during the year, but the Women's Center for Legal Aid and Counseling reported three honor killings in the West Bank and one in Gaza.

For a portion of the year, the Jordanian penal code, as applied in the West Bank by the PA, mitigated penalties for "honor" crimes. In the honor killing case of 20-year-old Aya Baradiya from the West Bank town of Surif, whose body was found in a well in May but who was reportedly killed in 2010, authorities arrested and charged four men in June, including her uncle Okab Baradiya, for her death. In response to Baradiya's killing, on May 14, President Abbas issued a presidential decree changing the law so that "honor" no longer would be considered a mitigating circumstance.

Sexual Harassment.—No law specifically relates to sexual harassment. The Geneva Centre for the Democratic Control of Armed Forces and other NGOs reported that for some women, cultural taboos and fear of stigma compelled them to remain silent about sexual harassment. Some young women claimed that they were held responsible for "provoking" men's harassing behavior.

Reproductive Rights.—Couples and individuals in the Gaza Strip, the West Bank, and East Jerusalem had access to contraception. Information regarding family planning was lacking, although the UNRWA continued holding workshops for Palestinian men underscoring their role in family planning. There were at least 147 family planning centers in the West Bank and at least 20 in the Gaza Strip, according to the PA Ministry of Health. High workload, poor compensation, and resource shortages across the occupied territories continued to affect skilled attendance during labor and postpartum care, much of which midwives provided. There were more deaths among mothers and newborns in the Gaza Strip; the PA Ministry of Health attributed continued increases in the number of home births to difficulties in reaching hospitals (see section 2.d.). While governmental authorities and community and international NGOs operated HIV/AIDS education, prevention, and screening programs, limited information was available about the equality of services provided for women.

Discrimination.—The law provides for equality of the sexes, but personal status law and traditional practices discriminate against women. For Muslims in the West Bank and the Gaza Strip, personal status law is derived from sharia, which includes inheritance and marriage laws. Women can inherit, but not as much as men. Men may take more than one wife, although they rarely did in urban areas (the practice was more common in small villages). Women may add conditions to marriage contracts to protect their interests in divorce and child custody but rarely did so. Societal pressure generally discouraged women from including divorce arrangements in a marriage contract. Cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families sometimes disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment.

Hamas maintained control of the Gaza Strip and enforced a conservative interpretation of Islam on the Gaza Strip's Muslim population that particularly discriminated against women. Authorities generally prohibited public mixing of the sexes. Plainclothes officers routinely stopped, separated, and questioned couples to determine if they were married; premarital sex is a crime punishable by imprisonment. Hamas's "morality police" also punished women for riding motorcycles, smoking cigarettes or water pipes, leaving their hair uncovered, and dressing "inappropriately" (i.e., Western-style or close-fitting clothing, such as jeans or T-shirts). Women living in refugee camps in the Gaza Strip said they felt unsafe using a bathing or latrine facility and cited a lack of reliable sanitary materials.

Palestinian labor law states that work is the right of every capable citizen; however, it regulates the work of women, preventing them from taking employment in dangerous occupations. Women endured prejudice and, in some cases, repressive conditions at work. Additionally some employers reportedly provided preferential treatment to their male counterparts. According to Freedom House, women earned 65 percent of men's wages in the West Bank and 77 percent in the Gaza Strip.

Female education rates were high, particularly in the West Bank, and women's attendance at universities exceeded men's, but female university students reported discrimination by university administrators, professors, and their male peers, according to the Geneva Centre for the Democratic Control of Armed Forces. According to press and NGO reports, in some instances teachers sent home girls not wearing conservative attire in Hamas-run schools, although enforcement was not systematic.

The PA Ministry of Women's Affairs existed to promote women's rights. During the year, the ministry worked closely with the U.N. to develop a nine-year plan released in January to combat violence against women.

Children.—Birth Registration.—The PA registers Palestinians born in the West Bank and the Gaza Strip, and Israel requires that the PA transmit this information to the Israeli Civil Administration. As the PA does not constitute a state, it does not determine "citizenship" alone. Children of Palestinian parents can receive a Palestinian identity card (issued by the Civil Administration) if they are born in the occupied territories to a parent who holds a Palestinian identity card. The PA Ministry of Interior and the Israeli Civil Administration both play a role in determining a person's eligibility.

Israel registers the births of Palestinians in Jerusalem, although Arab residents of Jerusalem reported delays in the process.

Education.—Education in PA-controlled areas is compulsory from age six through the ninth grade. Education is available to all Palestinians without cost through high school.

In the Gaza Strip, primary education was not universal. The UNRWA and Hamas provided educational instruction.

From January through November, UNICEF reported 34 attacks on schools in the West Bank (30) and Gaza (four), amounting to a denial of access to education. Twenty-two instances were perpetrated by Israeli authorities, eleven by Israeli settlers, and four by Palestinian armed groups.

In Israeli-administered East Jerusalem, Palestinian children did not have access to the same educational resources as Israeli children (see section 6, Minorities).

Child Abuse.—Child abuse was reportedly a widespread problem. The law prohibits violence against children; however, PA authorities rarely punished perpetrators of familial violence. In a 2009 study by the U.N. Gender Task Force in the southern Gaza Strip, survey participants reported a high level of perceived domestic violence against children.

Israeli security forces also participated in violence against children in custody, during arrest (see section 1.c.), or working inside or near the Gaza Strip buffer zone, according to NGO and U.N. reports.

Doctors Without Borders (MSF) reported that the number of children with post-traumatic stress disorder and other anxiety disorders including depression increased in recent years. MSF attributed a majority of the cases to trauma experienced during Israeli military incursions or as a result of settler violence.

Child Marriage.—Palestinian law defines the minimum age for marriage as 18; however, religious law allows for marriage as young as 15. Underage marriage did not appear to be widespread.

Sexual Exploitation of Children.—The PA considers statutory rape a felony based on the Jordanian penal code of 1960, which also outlaws all forms of pornography. The minimum age for consensual sex is 18. Punishment for rape of a victim under the age of 15 includes a minimum sentence of seven years.

Displaced Children.—Conflict and demolition orders (see also section 2.d.) displaced children in the occupied territories. UNOCHA reported that 618 children were displaced due to home demolitions in the West Bank and East Jerusalem during the year.

Child Soldiers.—There were reports that Hamas trained children as combatants.

Anti-Semitism.—The size of the Jewish community in the West Bank was approximately 300,000. The Jewish population in Gaza, aside from foreign nationals, was nonexistent. There were an estimated 200,000 Jewish residents of East Jerusalem.

Rhetoric by several Palestinian groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders. In the Gaza Strip and the West Bank there were a few documented instances in which media outlets, particularly outlets controlled by Hamas, published and broadcast material that included anti-Semitic content, sometimes amounting to incitement. For example, in December Hamas's al-Aqsa TV aired a sermon by a preacher who called for the killing of Jews. Unofficial Palestinian television broadcast content that sometimes advocated for holy war to expel the Jewish presence in the region. Some children's programs shown on Hamas television legitimized the killing of Israelis and Jews via terrorist attacks. In February Zayzafouna, a Palestinian youth magazine, featured a story in which Hitler appeared as a teenage girl's role model, making remarks about the killing of Jews on the grounds that they spread destruction.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at http://www.state.gov/j/tip.

Persons With Disabilities.—There is no reference in PA law to disability. Access to buildings, information, or communications was not mandated. Palestinians with disabilities continued to receive uneven and poor-quality services and care. The PA depended on U.N. agencies and NGOs to care for persons with physical disabilities

and offered substandard care for persons with mental disabilities. There were reports that Israeli authorities placed detainees deemed mentally ill or a threat to themselves or others in isolation without full medical evaluation. According to Physicians for Human Rights-Israel, isolation of prisoners with mental disabilities was common.

Familial and societal discrimination against persons with disabilities existed. Press reports indicated that some parents in the West Bank performed hysterectomies on mentally ill girls to prevent them from becoming pregnant; most of these parents stated they intended to protect their daughters from rape.

In August international media reported that an impoverished Palestinian family, unable to provide necessary care for two mentally ill daughters, Mohedeye Dawabsha, 25, and Nedaa Dawabsha, 21, had chained both in a room in the family house in Duma, citing concern about their vulnerability to sexual violence should either wander away.

National/Racial/Ethnic Minorities.—Although not a numerical minority, Palestinians faced targeted violence and discrimination from Israeli actors in the occupied territories (see also sections 1.a., 1.c., 1.f., and 2.d.).

The Jerusalem Legal Aid Society and Human Rights Center and other NGOs reported an increase in attacks by Israeli settlers on Palestinians and their property in the West Bank. The attacks included direct violence against Palestinian residents. Unnamed settlers killed at least two Palestinians during the year, including 17-year-old Fakhri Yousef Akhlaiel, a resident of Khirbat Safa, on January 18. Akhlaiel was reportedly harvesting grapes on his family's land at the time of the shooting. News reported that police investigated the incident, but there were no reports of arrests or indictments.

Some Israeli settlers reportedly used violence against Palestinians as a means of harassment and to keep them away from land that settlers sought to expropriate. In the Palestinian village of al-Baqa'a, NGOs reported that settler violence drove out significant portions of the Palestinian population, with no intervention from the IDF or the Israeli national police. On December 5, Israeli settlers from the Yitzhar settlement kidnapped and subsequently released Salim Jamil Shehadeh, a 60-year-old shepherd, from Orif village. The settlers also stole 50 of Shehadeh's sheep. There was no information about an investigation at year's end.

Other violence was in retaliation for killings of Israelis. On March 12 and 13, for example, following the killing of five Israeli settlers in Itamar (see section 1.a), settlers conducted widespread retaliatory attacks against Palestinians in the West Bank governorates of Nablus, Salfit, Qalqilya, Hebron, and Ramallah. Settlers threw stones at Palestinian vehicles at 16 separate locations in the West Bank, and there were multiple reports of settlers kidnapping and beating Palestinians before releasing them. Settlers also attacked PA emergency medical responders.

Various human rights groups continued to claim that settler violence was insufficiently investigated and rarely prosecuted. Some groups in part attributed this to the Israeli Ministry of Defense's Civil Administration's neglect of Palestinian complaints and also to Palestinian residents who were often reluctant to report incidents, fearing settler retaliation. The Israeli NGO Yesh Din reported in 2010 that more than 90 percent of investigations into offenses against Palestinians carried out by Israeli in the West Bank were unsuccessful.

Settlers also exploited religious tensions to harass Palestinian villages by vandalizing, breaking into, or burning 10 mosques. UNOCHA reported a 150 percent increase in attacks on mosques during the year.

Access to social and commercial services, including housing, education, and health care, in Israeli settlements in the West Bank was available only to Israelis. Israeli officials discriminated against Palestinians in the West Bank and Jerusalem regarding access to employment and legal housing by denying Palestinians access to registration paperwork. In both the West Bank and Jerusalem, Israeli authorities placed often insurmountable hurdles on Palestinian applicants for construction permits, including the requirement that they document land ownership in the absence of a uniform post-1967 land registration process, high application fees, and requirements that new housing be connected to often unavailable municipal works. According to B'Tselem, since 2000 Israel has curtailed the Palestinian population registry, denying paperwork to Palestinians and effectively declaring Palestinians illegal residents. Some Palestinians defined as illegal residents faced harassment, arrest, or deportation to the Gaza Strip.

The World Bank reported that Palestinians suffered water shortages, noting that approximately half of the domestic water supply for Palestinians was purchased from Israel. The Palestinian Water Authority claimed that Israel controls 90 percent of the shared water resources of the Mountain Aquifer, which underlies the West Bank and Israel. According to Amnesty International (AI), Palestinians received on

average of 18.5 gallons of water per person per day, falling short of the World Health Organization's standard of 26.5 gallons per person per day, the minimum daily amount required to maintain basic hygiene standards and food security. The PA's ability to improve water network management and efficiency was limited by political constraints, including the requirement for Israeli approval to implement water-related projects and the PA's lack of authority in Area C to prevent theft from the network, as well as by the PA's own management challenges. Between January and July, according to the U.N., the Israeli military destroyed 20 water cisterns, some of which were funded by donor countries for humanitarian purposes. The Israeli military also destroyed unlicensed Palestinian agricultural wells, claiming they depleted aquifer resources. During the year the two sides partially resolved a long-standing dispute on the rehabilitation of licensed Palestinian wells, with Israel allowing Palestinian farmers to rehabilitate 57 licensed wells in the Eastern Basin of the Mountain Aquifer, increasing water supply in the largely agricultural Jordan Valley of the West Bank.

In the West Bank, some NGOs reported an increase in settler expropriation of natural water springs located on privately owned Palestinian land. Yesh Din documented settler expropriation of 26 springs and their conversion into recreational "nature parks." Palestinian residents reported that water supplies were intermittent, and settlers and their security guards denied Palestinians, including shepherds and farmers, access to the springs. AI estimated that the settler population in the West Bank used as much water as the entire Palestinian population.

NGOs claimed that Jerusalem municipal and Israeli national policies aimed at decreasing the number of Palestinian residents of East Jerusalem. Government-sponsored construction of new Israeli housing units continued, while building permits were difficult to obtain for Arab residents of East Jerusalem, and homes built by Arab residents without legal permit were subject to demolition. The Israeli NGOs Bimkom and Ir Amim claimed that Palestinians in East Jerusalem continued to face barriers to purchasing property or obtaining building permits. Land owned or populated by Arabs (including Palestinians and Israeli Arabs) was generally zoned for low residential growth. Approximately 30 percent of East Jerusalem was designated for Israeli residents. Palestinians were able in some cases to rent Israeli-owned property, but were generally unable to purchase property in an Israeli neighborhood. Israeli NGOs claimed that of all land designated for housing in West Jerusalem and in the Israeli neighborhoods of East Jerusalem, at least 79 percent was unavailable for Arab construction.

The Jerusalem Municipality and Jewish organizations in Jerusalem made efforts to increase Israeli property ownership or underscore Jewish history in predominately Arab neighborhoods of East Jerusalem. The Jerusalem Municipality advocated increased Israeli influence and property ownership in East Jerusalem's Kidron Valley.

Although Israeli law entitles Arab residents of East Jerusalem to full and equal services provided by the municipality and other Israeli authorities, in practice the Jerusalem Municipality failed to provide sufficient social services, infrastructure, emergency planning, and postal service for Arab neighborhoods in East Jerusalem. Palestinian residents constituted 35 percent of Jerusalem's population but received only 10-15 percent of municipal spending. The ACRI reported that this resulted in Palestinian residents' lack of access to running water, crowded classrooms in substandard buildings, and poor sewage infrastructure, among other problems. Many Jerusalem municipal forms were not available in Arabic. Bus services in Jerusalem were largely segregated in practice.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Palestinian law, based on the 1960 Jordanian penal code, prohibits homosexual activity, although in practice the PA did not prosecute individuals suspected of such activity. Societal discrimination based on cultural and religious traditions was commonplace. Some Palestinians claimed that PA security officers and neighbors harassed, abused, and sometimes arrested lesbian, gay, bisexual, and transgender persons because of their sexual orientation. NGOs reported that Hamas also harassed and detained people due to sexual orientation.

Other Societal Violence or Discrimination.—While the PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS, societal discrimination against affected individuals was common.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—PA law permits workers to form and join independent unions and conduct legal strikes. The law requires collective bargaining to be conducted "without any pressure or influence" but does not explicitly state a right to collective bargaining. The PA labor code

does not apply to civil or domestic servants, although the law allows civil servants to form their own unions.

The requirements for legal strikes are cumbersome, and strikers had little protection from retribution. Prospective strikers must provide written warning two weeks in advance of the strike (four weeks in the case of public utilities). The PA Ministry of Labor can impose arbitration; workers or their trade unions face disciplinary action if they reject the result. If the ministry cannot resolve a dispute, it can be referred to a committee chaired by a delegate from the ministry and composed of an equal number of members designated by the workers and employer, and finally to a specialized labor court.

Antiunion discrimination and employer interference in union functions are illegal; however, although the law gives workers the right to unionize, it does not specifically prohibit termination due to union activity.

In practice the PA generally respected freedom of association and the right to collective bargaining, with some exceptions. Labor unions reported that the PA's 2000 labor law had not been fully implemented at year's end and asserted that the current system benefitted employers. For example, the labor court provided for in the law had not been established. During the year the waiting time for court hearings was five to six years. The PA enforced the prohibitions on antiunion discrimination and employer interference in union functions; however, it inconsistently enforced laws regarding freedom of association, and there were reports that PA enforcement of collective bargaining rights for unions serving other than PA employees was limited. The right to strike remained weak in practice.

Two main labor unions in the West Bank competed for membership and political recognition. A leader of one of the unions is also the PA deputy labor minister. Otherwise, the unions were independent from the government, and there were no reports of politically motivated sackings of union leaders.

In 2007 Hamas replaced Fatah-affiliated union leaders with Hamas members or sympathizers in the Gaza Strip, and during the year it maintained restrictions on union membership.

Israeli law applies to Israeli settlements in the West Bank and Jerusalem but was not uniformly enforced. Most settlements apply to Palestinian workers Jordanian labor law as it existed prior to 1967, which provides for lower wages and fewer protections than Israeli law. Workers in Jerusalem often joined West Bank unions or the Israeli General Federation of Labor (Histadrut); however, they cannot vote in Histadrut elections.

b. Prohibition of Forced or Compulsory Labor.—PA law does not expressly forbid forced or compulsory labor. Children and women were vulnerable to forced labor conditions.

c. Prohibition of Child Labor and Minimum Age for Employment.—According to PA law, the minimum age for employment in the occupied territories is 15 years. The law classifies children as those under 18 years of age, and it restricts employment for those between 15 and 18. However, the law allows children younger than 15 to work for immediate family members under close supervision. Hiring of children ages 15-18 for certain types of employment is permitted under set conditions. The law prohibits children from working more than 40 hours per week, operating certain types of machines and equipment, performing work that might be unsafe or damage their health or education, and working at night, in hard labor, or in remote locations far from urban centers.

Due to inadequate resources and logistical difficulties, PA authorities did not effectively enforce the law. The PA estimated that 2.3 percent of children between the ages of 10 and 14 and 6.1 percent of children between the ages of 15 and 17 worked in the West Bank and Gaza during the year. According to the PA, more than 90 percent of child laborers lived in the West Bank; the smaller proportion for Gaza was due to the unavailability of jobs and high unemployment among adults in Gaza, according to the PA. Palestinian child laborers generally worked on family farms, in shops, as street vendors, in car washes, in factories, or in small manufacturing enterprises. They were vulnerable to forced labor. Conditions were especially poor for Palestinian children working as street vendors, many of whom worked all day without food or water and were subject to abuse, according to the PA Ministry of Labor. According to the ministry, children also continued to work smuggling goods—from food products to chemicals—through the tunnels between Egypt and the Gaza Strip. Children reportedly worked in the tunnels for 10-hour shifts, with one hour's rest. From 2007 to 2010, at least 32 children died while working in the tunnels; common causes of death included tunnel collapse, electric shock, and Israeli shelling

During the year the PA Ministry of Labor employed six officers tasked with monitoring child labor conditions, a number it recognized as insufficient. Many reported

cases of child labor violations took place in home environments, for example, on family farms, which were not open to labor ministry inspection. Child protection officers with the PA Ministry of Social Affairs were overburdened and also lacked the resources to follow up on such cases. The PA Ministry of Labor reported that only employers who hire children under 15 to work in dangerous conditions or hazardous jobs are referred to the attorney general for prosecution; between 2007 and 2011, the ministry referred 10 such cases. PA officials reported fining "numerous" people after it conducted successful investigations conducted by the PA Ministry of Labor in recent years. The ministry was unable to conduct investigations in the Gaza Strip, nor did it have access to Israeli-controlled Area C of the West Bank (nearly 60 percent of the West Bank) where child economic exploitation and labor were most likely to occur, according to PA officials.

The Israeli government stated that it did not issue permits for Palestinian West Bank residents younger than 18 years old to work in Israeli settlements, except in the Jordan Valley, where the law allows work permits for persons from the age of 16 and older; however, according to the PA, children entered the settlements or crossed into Israel to seek work. The PA reported that Palestinian children working in Israeli settlements in the West Bank without legal protection or labor inspectors faced security problems, exploitation, and harassment.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—There was no minimum wage in Palestinian-controlled areas.

Palestinians working in Israeli settlements reported that they continued to receive wages lower than the Israeli minimum wage, despite a 2008 high court ruling that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements in the occupied territories. In November, the Ma'ale Adumim municipality became the first Israeli settlement to apply Israeli labor law to Palestinian workers, in response to a successful lawsuit filed by the workers who demanded Israeli minimum wage and labor protections. A three-month-long strike that began in July caused an Israeli quarry in the West Bank in Mishor Adumim to close. The strike was in response to the employer's refusal to recognize the workers' collective agreement. In December a court in Jerusalem approved the creditors' disposition of the company, along with compensation to the workers.

According to PA law, the maximum official Sunday to Thursday workweek was 48 hours. The law also allows for paid official and religious holidays, which may not be deducted from annual leave. Workers must be paid time and a half for each hour worked beyond 45 hours per week and may not perform more than 12 hours of overtime work per week.

The PA Ministry of Labor was responsible for setting occupational health and safety standards, but its enforcement ability was limited, in part due to lack of staff. The ministry employed 45 labor inspectors during the year, but ministry contacts reported that they would need at least 150 inspectors to adequately enforce the labor law. Unions also stated that the PA did not effectively monitor smaller worksites, which were at times below legal standards for safety.

The PA was unable to monitor labor conditions in the Gaza Strip and has no authority to monitor labor safety in the 60 percent of the West Bank that is designated Area C, under the terms of Oslo-era agreements with Israel. The ministry cannot enforce Palestinian labor law in seam zones, Israel (where Palestinians were employed on permits or illegally), or in Israeli settlements in the West Bank. At the same time Israeli authorities did not conduct labor inspections in Israeli settlements, where, according to the International Labor Organization, the number of Palestinian workers constituted a significant part of the workforce. The lack of a competent labor authority in the settlements increased workers' vulnerability to exploitation. NGOs like Kav LaOved asserted exploitative practices in the Israeli settlements were widespread. Israeli NGOs brought some cases in Israeli labor courts on behalf of Palestinian workers employed by enterprises in the settlements.

Informal sector work, especially in illegal smuggling tunnels between the Gaza Strip and Egypt and rubble and garbage collection, was often dangerous. In 2010, according to the Gaza-bases al-Mezan Centre for Human Rights, 46 workers died in the tunnels.

JORDAN

EXECUTIVE SUMMARY

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein. The constitution concentrates executive and legislative authority in the king. The multiparty parliament consists of the 60-member House of Notables (Majlis al-Ayan) appointed by the king and a 120-member elected lower house, the Chamber of Deputies (Majlis al-Nuwwab). Parliamentary elections, which international observers deemed credible, took place in November 2010. Security forces reported to civilian authorities.

Throughout the year citizens staged weekly demonstrations calling for various political and economic reforms. The demonstrations were mostly peaceful; however, there were incidents of violence by counterprotesters and security forces against protesters. The government did not investigate or prosecute individuals and security officials accused of inciting violence during the demonstrations.

The three most significant continuing human rights problems were citizens' inability to peacefully change their government, abuses committed with impunity by security services, and violence against women.

Other human rights problems were arbitrary deprivation of life, torture or mistreatment, poor prison conditions, arbitrary arrest and denial of due process through administrative detention, prolonged detention, and external interference in judicial decisions. Citizens continued to report infringements on their privacy rights, and legal and societal discrimination against persons of Palestinian origin remained widespread. Restrictive legislation and regulations limited freedoms of speech and press, while government interference in the media and threats of fines and detention further encouraged self-censorship. The government amended the law restricting freedom of assembly and more frequently allowed protesters to gather without interference, although counterdemonstrators and at times security forces used violence against them. The government continued to restrict freedom of association. Local human rights organizations reported widespread violence against women and children. Legal and societal discrimination and harassment remained a problem for women, religious minorities, converts from Islam, and members of the lesbian, gay, bisexual, and transgender (LGBT) community. The government restricted labor rights, and local and international human rights organizations reported high levels of abuse of foreign domestic workers.

Impunity remained problematic. The government did not take steps to investigate, prosecute, or punish officials who committed abuses.

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one report that government agents committed an arbitrary or unlawful killing during the year. On March 25, Khairy Jamil Said died as police were dispersing protesters near Gamal Abdul Nasser Square in Amman. While the government coroner reported Saad died of heart failure, protesters accused the police of beating Saad to death.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, international NGOs continued to report incidents of torture and widespread mistreatment in police and security detention centers. The law prohibits torture, including psychological harm, by public officials and provides penalties of as long as three years' imprisonment for the use of torture, with an increased penalty of up to 15 years if serious injury occurs. Human rights lawyers found the law ambiguous and supported amendments to better define "torture" and strengthen sentencing guidelines. The judicial system has never charged an individual with torture.

International and domestic organizations stated that security forces continued to practice torture, particularly in police stations. According to a May 11 Human Rights Watch (HRW) report chronicling the April 15 demonstrations in Zarka, officers from "Teams 62 and 71" reportedly detained more than 100 Islamist protesters in a security station in the nearby town of Rusaifa and beat some on the head, back, and other body areas while their hands and feet were shackled. According to HRW, the detainee who reported the torture was among a large group released on May 5 after an initial investigation.

Some individuals reported that government agents sexually abused them during arrest or detention by making them remove their clothing and perform sexual acts.

Human rights activists reported that some persons with disabilities were subjected to cruel and inhumane treatment at institutions and rehabilitation centers.

In September the Family Protection Department (FPD) investigated a case in which a management official abused a 12-year-old child with cerebral palsy at a private rehabilitation center accredited by the Ministry of Social Development.

Prison and Detention Center Conditions.—Significant problems remained in prisons, including inadequate food and health care, poor sanitation standards, poor ventilation, extreme temperatures, inadequate access to potable water, and insufficient basic and emergency medical care. Some detainees reported abuse and mistreatment by guards during the year. The National Center for Human Rights (NCHR) reported 85 complaints from juvenile detention centers from March 2010 to August 2011, including those related to lack of personal safety, lack of education, and allegations of torture and mistreatment.

According to government statistics, there were approximately 16,444 inmates, 3 percent of whom were female, in 15 correctional and rehabilitation center (CRC) facilities, up from 14 in 2010. According to the Ministry of Social Development, there were 170 juveniles in custody. Conditions for women were generally better than those for men. Pretrial detainees were often held in the same detention facilities as convicted prisoners. The General Intelligence Directorate (GID) held some persons detained on national security charges in separate detention facilities. According to the NCHR, GID detainees are generally held in solitary confinement and are prevented from meeting unsupervised with visitors, including their lawyers. Islamist prisoners in Jweidah were held in a separate wing and kept in small-group semi-isolation. International and domestic NGOs reported that in some instances Islamist prisoners faced harsher prison conditions than other inmates.

Prisoners and detainees had restricted access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship; however, authorities did not investigate allegations of inhumane conditions. The Ombudsman's Bureau within the Public Security Directorate (PSD) investigates allegations of police abuse; however, due to impunity complaints rarely resulted in any disciplinary measures. During the year no steps were taken to improve recordkeeping or use alternatives to sentencing for nonviolent offenders or juveniles.

The government permitted local and international human rights observers to visit prisons and conduct private interviews. The International Committee of the Red Cross (ICRC) visited prisoners and detainees in all prisons, including those controlled by the GID, according to standard ICRC modalities.

During the year the government inaugurated two new CRCs with cells that meet international standards and shut down an older prison.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention. According to local and international human rights groups, the government did not always observe these prohibitions in practice. In particular, the governors of the country's 12 governorates continued to use the law to detain individuals administratively without due process or detain individuals found not guilty in legal proceedings.

Role of the Police and Security Apparatus.—The PSD controls general police functions. The PSD, GID, gendarmerie, Civil Defense Directorate, and military share responsibility for maintaining internal security. The PSD, Civil Defense Directorate, and gendarmerie report to the minister of interior with direct access to the king when necessary, and the GID in practice reports directly to the king. Civilian authorities maintained control over security forces.

According to local and international NGOs, the government rarely investigated allegations of abuse or corruption, and there were widespread allegations of impunity. Citizens may file complaints of police abuse or corruption with the PSD's human rights office or one of 50 police prosecutors stationed throughout the country. Complaints of abuse and corruption by the gendarmerie may be filed directly with the gendarmerie. A GID liaison officer receives complaints against the GID and refers them to GID personnel for investigation. Complaints against the PSD, gendarmerie, and GID may also be filed with the NCHR or several other NGOs, such as the Arab Organization for Human Rights (AOHR). The PSD's preventive security office is tasked with investigating allegations of police corruption. The PSD and gendarmerie try their personnel internally with their own courts, judges, and prosecutors; reports about the proceedings are not published.

During the year there were several reported instances of security forces using excessive force with impunity or failing to protect demonstrators from societal violence. On July 15, during a proreform demonstration in Al-Nakeel Square in Amman, several members of the riot police wielding wooden bats and other instruments, such as a barbeque rack, attacked protesters and journalists covering the demonstrations. On July 19, the minister of interior announced that the committee

tasked with investigating the incident found the PSD responsible for the attacks; however, by year's end no security official had been prosecuted.

Arrest Procedures and Treatment While in Detention.—The law allows suspects to be detained for up to 24 hours without a warrant in all cases. The criminal code requires that police notify authorities within 24 hours of an arrest and that authorities file formal charges within 15 days of an arrest. The period to file formal charges can be extended for as long as six months for a felony and two months for a misdemeanor. According to local NGOs, prosecutors routinely requested extensions and judges granted them. Human rights observers claimed that police made arrests before obtaining warrants and that prosecutors did not file charges or seek extensions in a timely manner. They alleged that authorities transferred suspects to the security court in order to extend the legal time from 24 hours to 10 days for investigation. Bail is allowed under the penal code and was used in some cases. Some detainees reported not being allowed timely access to a lawyer, but authorities generally permitted family member visits. Authorities appointed lawyers to represent indigent defendants charged with felonies, although legal aid services remained minimal.

The U.N. Committee Against Torture's May 2010 report expressed serious concern about the government's failure in practice to afford all detainees, including detainees held in GID and PSD facilities, with "all fundamental legal safeguards from the very outset of their detention," including the right to notify a relative and to be informed of their rights and charges against them at the time of detention.

Arbitrary Arrest.—The State Security Court gives judicial police the authority to arrest and keep persons in custody for 10 days while conducting criminal investigations. This authority includes arrests for alleged misdemeanors. In cases purportedly involving state security, the security forces at times arrested and detained citizens without warrants or judicial review, held defendants in pretrial detention without informing them of the charges against them, and either did not allow defendants to meet with their lawyers or did not permit meetings until shortly before trial. Several inmates were in detention without charge at year's end.

Under the Crime Prevention Law, provincial governors may detain individuals suspected of planning to commit a crime or those who allegedly shelter thieves, habitually steal, or constitute a danger to the public, and in practice they used this provision widely. Those accused are subject to imprisonment or house arrest for as long as one year under "administrative detention" without formal charges, and governors can prolong detentions. During the year governors administratively detained 11,345 individuals. Several international and national NGOs noted that governors routinely abused the law, imprisoning individuals when there was not enough evidence to convict them and prolonging detentions of prisoners whose sentences had expired. The law was also used to incarcerate women, allegedly to protect them, as they are at risk of being honor crime victims.

Pretrial Detention.—The common practice of judges granting extensions to prosecutors prior to filing formal charges unnecessarily lengthened pretrial detention. During the year there were 23,118 pretrial detainees. Lengthy legal procedures, a large number of detainees, judicial inefficiency, and the judicial backlog added to the problem of pretrial detention. The length of the detention at times equaled or exceeded the sentence for the alleged crime.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. Allegations of nepotism and the influence of special interests raised concerns about the judiciary's independence in practice. Authorities did not always respect court orders.

Trial Procedures.—The law presumes that defendants are innocent. All civilian court trials, including state security court trials, are open to the public unless the court determines otherwise. Juries are not used. Defendants are entitled to legal counsel, provided at public expense for the indigent in cases involving the death penalty or life imprisonment. In many cases not involving the death penalty, those whose punishment would be hard or temporary labor have no legal representation. Defendants can present witnesses and evidence and can question witnesses presented against them. Authorities generally granted defendants access to government-held evidence relevant to a case. Defendants can appeal verdicts; appeals are automatic for cases involving the death penalty.

Defendants before the State Security Court frequently met with their attorneys at the start of a trial or only one or two days before. A case may be postponed for more than 48 hours only under exceptional circumstances determined by the court. In practice, cases routinely involved postponements of more than 10 days between sessions with proceedings lasting for several months. In many cases the accused remained in detention without bail during the proceedings. In the State Security Court, defendants convicted of felonies or misdemeanors have the right to appeal

their sentences to the Court of Cassation, which is authorized to review issues of both fact and law.

All citizens are accorded these rights. Civil, criminal, and commercial courts accord equal weight to the testimony of men and women; however, in sharia courts, which have jurisdiction over Muslim marriage, divorce, and inheritance cases, the testimony of two women was equal to that of a man in most circumstances.

Political Prisoners and Detainees.—Citizens and NGOs alleged that the government continued to detain individuals, including political opposition members, for political reasons during the year and that governors continued to use administrative detentions for what appeared to be political reasons.

Civil Judicial Procedures and Remedies.—Individuals may bring civil lawsuits related to human rights violations and did so during the year.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference in private matters, but the government did not respect this prohibition in practice. Citizens widely believed that security officers monitored telephone conversations and Internet communication, read private correspondence, and engaged in surveillance without court orders.

Unlike in the previous year, there were no reports that police forcibly entered the homes of foreign migrant workers without warrants.

Some religious activists reported that the GID withheld their certificates of good behavior, which confirm that the applicant does not have a criminal record and are required for job applications or to open a business. The GID usually withholds a certificate of good behavior if there is a criminal record; however, there is no public information outlining the GID's policies for issuing the certificates. Some activists also said GID officials threatened to bar their children from entering or graduating from university.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press; however, the government did not respect these rights in practice.

Freedom of Speech.—The law permits punishment of up to three years' imprisonment for insulting the king, slandering the government or foreign leaders, offending religious beliefs, or stirring sectarian strife and sedition. In practice citizens were generally able to criticize the government, although they reportedly exercised caution in regard to the king, royal family, GID, and other sensitive topics such as religion.

On May 22, the Amman Criminal Court found journalist Muwaffaq Mahadin and environmentalist Sufian al-Tal not guilty of slander and other charges based on separate public interviews the two men gave criticizing the army's security role in Afghanistan. State security forces detained the men in February 2010 for two weeks.

Freedom of Press.—Independent print media existed, including several major daily newspapers; however, such publications must obtain licenses from the state to operate. The independent print and broadcast media largely operated without restriction, but media observers reported governmental pressure to refrain from criticizing the royal family, discussing the GID, or using language deemed offensive to religion, including the threat of large fines and prison sentences for slander of government officials and other topics listed above. Media organizations and journalists reported that the government influenced the appointment of editors in chief at some major publications, whether by virtue of officials' positions on the boards of directors of government-affiliated publications or through undisclosed contacts. The government has a majority of seats on the board for the leading semiofficial daily newspaper, Al-Rai, and a share of board seats in another daily newspaper.

On March 7, approximately 200 journalists staged a demonstration to demand that Al-Rai editor in chief Abdul Wahab Zgheilat resign due to his censorship of their articles, and on July 12 he resigned.

The law states that the Prime Ministry has the authority to reject a broadcast license without a stated reason based on the recommendation of the director of the governmental Audiovisual Commission. Media observers noted that when covering controversial subjects, government-owned Jordan Television, Jordan News Agency, and Radio Jordan reported only the government's position.

By law any book can be published and or distributed freely; however, if the Press and Publications Directorate deems that passages are religiously offensive or "insult" the king, it can request a court order to prohibit the distribution of the book. During the year an estimated 20 books were banned due to language that was deemed religiously offensive.

Violence and Harassment.—During the year journalists were subjected to harassment and intimidation due to their reporting. For example, after a June 13 Agence France-Presse (AFP) story reporting that residents of Tafileh had stoned the king's motorcade, member of parliament Yahy'a Sa'ud led protests demanding that AFP Amman bureau chief Randa Habib be referred to the State Security Court and that the AFP offices be closed. On June 15, a group of men attacked the AFP offices as police reportedly looked on. During a June 16 press conference, Habib stated she had also received death threats. The government provided her security in response.

Censorship and Content Restrictions.—The government directly and indirectly censored the media. Unlike in previous years, authorities did not censor printing presses or edit articles deemed offensive before they could be printed. However, journalists claimed that the government used informants in newsrooms and exercised influence over reporting and that GID officials censored reporting. Editors reportedly received telephone calls from security officials instructing them how to cover events or to refrain from covering certain topics or events. Government officials also reportedly bribed journalists to influence their reporting. Journalists reported that the threat of detention and imprisonment under the penal code for a variety of offenses, along with stringent fines of as much as 20,000 dinars ($28,250) for defamation under the press and publications law, led to self-censorship. The government's use of "soft containment" of journalists, including the withholding of financial support, scholarships for relatives, and special invitations, led to significant control of media content.

On May 19, the government reportedly prevented Roya TV from hosting opposition figure Laith Shbeilat on its weekly program, Pulse of the City. The channel's management cancelled the interview after they received a telephone call from a government security agency.

The government continued to enforce bans on the publication of selected books for religious, moral, and political reasons.

Libel Laws/National Security.—The government threatened to use libel and slander laws to suppress criticism. On September 17, Amer Fayez, chief of protocol for the Royal Court, sued Abdel Hadi Raji Majali for libel and defamation for an article criticizing Royal Court employees for "putting barriers between the king and the people." Fayez later dropped the case.

Internet Freedom.—There were government restrictions on access to the Internet. The government monitored electronic correspondence and Internet chat sites. Individuals and groups were unable to express their views freely via the Internet, including by e-mail. After implementation of the Information System Crime Law in 2010, making Web site owners responsible for all content on their sites, groups began shifting to social media to express their views and opinions and to organize demonstrations. During the year the Ministry of Interior continued to monitor Internet cafes via video cameras. The ministry also required cafe owners to register users' personal data, submit records of visited Web sites, and prevent access to "targeted" Web sites, as determined by the ministry.

On June 1, the State Security Court issued an arrest warrant for Ala' Al Fazza', publisher of online news site KhabarJo, in response to a complaint filed by Mohammed Taleb Obediat, minister of state media affairs, and Nabil Sharif, former minister of media affairs and communications, over an article that listed them as members of the Facebook page demanding the crown prince be replaced. He was charged with "working to unlawfully change the constitution." On June 2, the king ordered his release, and he was released on June 5.

Academic Freedom and Cultural Events.—The government placed some limits on academic freedom. Some members of the academic community claimed there was an continuing intelligence presence in academic institutions, including monitoring of academic conferences and lectures.

On September 27, the National Campaign for Students Rights (Dhabahtuna) criticized the government for forcing scholarship students from underprivileged areas to sign pledges not to engage in political activities.

Some foreign films were edited prior to release due to sexual content or religiously offensive language.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, but in practice the government limited this right. On May 3, the government amended the Public Gatherings Law to remove the requirement that groups request permission from the governor to gather. According to the amended law, organizers must notify the government of a proposed meeting or demonstration at least 48 hours in advance so that the government may provide security for the event. The notification must include the names and addresses of the organizers and the reason for the meeting or demonstration.

Prior to the amendment, governors could deny organizers permission to hold an event and were not required to provide a legal reason for denial, which occurred regularly. If an organization failed to apply for permission for an event, its members faced imprisonment from one to six months and a fine of as much as 3,000 dinars ($4,200). Despite the amendment human rights activists reported that the government did not always respect freedom of assembly and sometimes used tactics such as the renovation of public spaces to prevent planned sit-ins.

During the year an international NGO reported that GID agents urged it to cancel a regional training program about social and political activism for young Arab activists. The NGO stated that several regional participants were denied entry into the country upon arrival and the chosen hotel was forbidden to host the conference. The NGO had previously held several regional conferences in the country without incident.

During the year there were several reported instances of security forces using excessive force with impunity or failing to protect demonstrators from societal violence. For example, on March 24 and 25, at Jamal Abdel Nasser Square in Amman, clashes erupted between demonstrators and counterdemonstrators at a sit-in calling for political reforms. The gendarmerie dispersed the protesters, leading to tens of injuries and reportedly one death (see section 1.a.). During its investigation the NCHR found that security forces failed to protect demonstrators from violence; however, the government did not open an official investigation into the events.

Freedom of Association.—The constitution provides for the right of association, but the government limited this freedom in practice. The law gives the Ministry of Social Development the right to reject applications to register an organization or receive foreign funding for any reason, and it prohibits the use of associations for the benefit of any political organization. The law also gives the ministry significant control over the internal management of associations, including the ability to dissolve associations, appoint new boards of directors, send government representatives to any board meeting, prevent associations from merging their operations, and appoint an auditor to examine an association's finances for any reason. The law requires associations to inform the ministry of board meetings, submit all board decisions for approval, disclose members' names, and obtain Interior Ministry security clearances for board members. The law includes severe penalties, including fines up to 10,000 dinars ($14,100).

Local and international NGOs claimed that the law severely restricted the work of independent organizations. During the year the government did not deny any organizations permission to register or receive foreign funding; however, NGOs reported that while the government did not formally reject foreign funding requests or proposals, it at times refused to accept such requests.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, there were some restrictions. The U.N. reported that the government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR), the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel.—The law stipulates that women need a custodian to renew a passport. The GID sometimes withheld passports from citizens for alleged security reasons.

Citizenship.—There were cases of government officials arbitrarily and without court order withdrawing citizenship from Jordanians of Palestinian descent.

Protection of Refugees.—Access to Asylum.—The country's laws do not provide for the granting of asylum or refugee status, and the government lacks a formal system of providing protection to refugees. The government respected the UNHRC's eligibility determinations regarding asylum seekers, including those who entered the country clandestinely. A 1998 memorandum of understanding between the government and the UNHRC contains the definition of a refugee, confirms adherence to the principle of nonrefoulement, and allows recognized refugees a maximum stay of six months, during which period the UNHRC must find a durable solution. However, refugees often stayed beyond the time limit.

Access to Basic Services.—Palestinian refugees from Gaza who entered the country following the 1967 war are excluded from services otherwise available to Pales-

tinian refugees, such as access to public assistance, public higher education, or public medical services. However, they were eligible to receive UNRWA services.

Temporary Protection.—The government generally recognized the UNHRC's requests to grant temporary protection for all Iraqi asylum seekers, including new arrivals, and recognized refugees whose cases had been suspended by resettlement countries. The UNHRC rejected asylum or resettlement cases. By year's end approximately 34,000 Iraqi refugees in the country had registered with the UNHRC. The government provided education and health care to Iraqis and tolerated the prolonged stay of many Iraqis beyond the expiration of the visit permits under which they entered the country. Few Iraqi refugees received work permits due to bureaucratic hurdles and a desire to avoid significant overstay fines they would have to pay when applying for such permits.

Stateless Persons.—: Citizenship is derived only through the father. Children of female citizens married to noncitizen husbands receive the nationality of the father and lose the right to attend public school or seek other government services if they do not hold legal residency, which must be applied for every year and is not guaranteed. Married women do not have the legal right to transmit citizenship to their children. In practice this affects thousands of families in which the father is of Palestinian origin. According to the law, the cabinet may approve citizenship for such children; however, this rarely occurred. The public was not widely aware of this mechanism. Women may not petition for citizenship for noncitizen husbands, who may apply for citizenship only after fulfilling a requirement of 15 years' continuous residency. Once a husband has obtained citizenship, he may apply to transmit citizenship to his children. However, in practice such an application may take years, and the government may deny the application.

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

The law does not provide citizens the right to change their monarch or government. The king appoints and dismisses the prime minister, cabinet, and the House of Notables, dissolves parliament, and directs major public policy initiatives. Citizens may participate in the political system through their elected representatives in the Chamber of Deputies. The cabinet, based on the prime minister's recommendation, appoints the mayors of Amman, Wadi Musa (Petra), and Aqaba, a special economic zone. The mayors of the other 93 municipalities are elected.

Elections and Political Participation.—Recent Elections.—In November 2010 the country held parliamentary elections, which international observers considered "a clear improvement over the nation's 2007 polls." However, observers recommended future reforms such as establishing an independent electoral management body, preprinting ballots to mitigate concerns over voting procedures for the illiterate, strengthening representation for all citizens, and introducing regulations to allow for systematic appeals of the election results. Gerrymandering districts to minimize the impact of votes by citizens of Palestinian origin in favor of tribal interests was a significant problem. The law allows voters to choose one candidate in their district, which in the largely tribal society meant citizens tended to cast their vote for members of their own tribe.

On September 30, the government amended the constitution to establish an independent electoral commission.

Political Parties.—The government licensed political parties and other associations but prohibited membership in unlicensed political parties. The High Court of Justice may dissolve a party if it concludes that the party violated the constitution or the law. Political parties, NGOs, and independent candidates found the registration process both onerous and costly and criticized the GID's annual screening process of founding party members.

Participation of Women and Minorities.—Many human rights activists cited cultural bias against women as an impediment to women participating in political life on the same scale as men. On September 14, the government increased the quota for women in municipal council seats to 25 percent. The law provides a 10 percent quota for women in the lower house of parliament. In the November 2010 elections, voters elected 13 women to parliament, exceeding the quota by one. Unlike in the previous year, there were no female governors; however, two women served in the appointed 27-member cabinet.

Citizens of Palestinian origin were underrepresented at all levels of government and the military. The law reserves nine seats in the lower house of parliament for Christians and three seats for the Circassian and Chechen ethnic minorities combined, constituting an overrepresentation for these minorities. No seats were reserved for the relatively small Druze population, but they were permitted to hold

office under their government classification as Muslims. The law also stipulates that Muslims must hold all seats not reserved for specified minority religions. Christians served as cabinet ministers and ambassadors. The government traditionally reserves some positions in the upper levels of the military for Christians (4 percent); however, Muslims held all senior command positions.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. Officials often engaged in corrupt practices with impunity. During the year the government investigated allegations of corruption; however, there were very few convictions. The use of family, business, and other personal connections to advance personal business interests was widespread. There were allegations of lack of transparency in government procurement, government appointments, and dispute settlement.

The Anti-Corruption Commission (ACC) is the main body responsible for combating corruption. Despite increased investigations some local observers questioned the commission's effectiveness due to insufficient staff and the small number of investigations involving senior officials or large government projects. There were credible allegations that the ACC failed to investigate high-profile cases involving high-level government officials.

There were no high-profile convictions for corruption during the year.

On February 25, officials permitted business tycoon Khalid Shahin to leave prison to receive medical treatment abroad because of an obesity-related health condition that his physician claimed could not be treated in Amman. The State Security Court had sentenced Shahin and two other former officials to three years in prison for bribery related to the Jordan Petroleum Refinery Company in July 2010. The release triggered public anger after pictures were published of Shahin eating at a restaurant with his family in London. On August 18, Shahin was brought back to the country to complete his sentence.

The law requires certain government officials to declare their assets privately. In the event of a complaint, the chief justice may review the disclosures. Under the law failure to disclose assets could result in a prison sentence of one week to three years or a fine of five to 200 dinars ($7 to $280). As of year's end, no officials had been punished for failing to submit a disclosure.

The law provides for public access to government information that is a matter of legal record but allows requests to be denied for reasons of "national security, public health, and personal freedoms." Journalists criticized the law, claiming it permits the government to deny requests without justification.

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

A number of domestic and international human rights groups operated in the country with some restrictions. The law gives the government the ability to control NGOs' internal affairs, including acceptance of foreign funding. NGOs were generally able to investigate and report publicly on human rights abuses throughout the year, although government officials were not always cooperative.

Government Human Rights Bodies.—The government-funded NCHR's reporting was regarded as fairly objective and critical, albeit noncontroversial. The government seldom complied with its recommendations.

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

The constitution states that all citizens are equal under the law and prohibits discrimination based on race, language, and religion; however, discrimination on the basis of gender, disability, and social status is not specifically prohibited. The penal code does not address discrimination, thereby severely limiting judicial remedies.

Women.—Rape and Domestic Violence.—The law stipulates a sentence of at least 10 years' imprisonment with hard labor for rape of a girl or woman age 15 years or older. Spousal rape is not illegal. The law does not explicitly ban domestic violence. The government did not enforce these laws effectively, and violence and abuse against women was widespread. Violence against women was reported more frequently in rural areas than in major cities, but women's rights activists speculated that many incidents in cities went unreported as violence against women remained a taboo issue, due to societal and familial pressures. There were no statistics available regarding the number of abusers prosecuted, convicted, or punished. Human rights activists stated that girls and women with disabilities were particularly at risk from gender-based violence.

Women may file complaints of rape or physical abuse with certain NGOs or directly with judicial authorities. During the year the PSD Family Protection Depart-

ment (FPD) treated and investigated 1,026 cases of rape or sexual assault against women. The FPD actively investigated cases; however, there were some reports of pressure on families to settle disputes via mediation instead of the courts. Spousal abuse is technically grounds for divorce, but husbands can claim religious authority to strike their wives. Observers noted that judges generally supported a woman's claim of abuse in court; however, due to societal and familial pressure, few women sought legal remedies.

The FPD continued to operate a domestic violence hotline during the year and received inquiries and complaints via the Internet and e-mail. The government-run shelter, Dar al-Wafaq, assisted approximately 505 female victims of domestic violence during the year. It provided reconciliation services to victims and their families and worked with NGOs to provide services, such as legal and medical assistance. However, observers noted the lack of a comprehensive approach for victims, as well as a need to increase the number of psychosocial counselors.

Harmful Traditional Practices.—It was estimated that more than 10 honor crimes were reported during the year. However, activists reported that many such crimes went unreported. The Supreme Criminal Court's panel of judges dedicated to cases involving honor crimes routinely issued sentences of up to 15 years to honor crime perpetrators. However, the Cassation Court, which reviews the Supreme Criminal Court rulings, generally decreased the sentences by half. There were several cases during the year in which family members dropped the charges against perpetrators of honor crimes, which also resulted in sentences being cut in half for the perpetrator, who was often a relative of the victim. Instances of forced marriage as an alternative to a potential honor killing were reported in rural areas during the year. Observers noted that if a woman marries her rapist, according to customary belief, her family members would not need to kill her to "preserve the family's honor."

Numerous "honor" crime cases were reported during the year. For example, on February 7, a 26-year-old man stabbed his 30-year-old widowed sister to death in Amman after discovering that she was eight months' pregnant. The brother, who turned himself in to the police, said that he stabbed his sister to cleanse the family's honor. On April 10, the prosecutor general pressed charges of premeditated murder. At year's end the case was pending.

Through their administrative detention authority, governors continued to place potential victims of honor crimes in involuntary protective custody in the Women's Correctional and Rehabilitation Center in Jweideh detention facility, where some women had remained for more than one year. The government estimated that approximately 82 women were placed in protective custody during the year. A number of women detained for more than one year were released during the year. A woman detained in protective custody can be released only after her family signs a statement guaranteeing her safety and both the local governor and the woman agree to the release. During the year there was at least one case of a woman being killed after release from protective custody. On June 28, a 17-year-old shot his unmarried sister in Tafileh after she had a miscarriage and was released by the governor from protective custody to her family, who pledged not to harm her. The case never went to court, and the boy was not prosecuted. One NGO continued to work for the release of these women through mediation with their families. The NGO also provided a temporary but unofficial shelter for such women as an alternative to protective custody.

Sexual Harassment.—According to the law, sexual harassment is strictly prohibited. The law does not make a distinction between sexual assault and sexual harassment; both carry a minimum prison sentence of four years with hard labor. Women's groups stated that harassment was common, but many victims were hesitant to file a complaint and rarely did so because they feared blame for inciting the harassment or consequences such as losing their job or because they faced other pressure to keep silent. One NGO report stated that foreign migrant workers in the garment sector may be especially vulnerable to sexual harassment in the workplace (see section 7).

Reproductive Rights.—Couples have the basic right to decide freely and responsibly the number, spacing, and timing of their children, and individuals were able to make such decisions free from discrimination and coercion. Contraceptives were generally accessible to all men and women, both married and single, and provided free of charge in public clinics. Comprehensive essential obstetric, prenatal, and postnatal care is provided throughout the country in the public and private sectors. The Higher Council for the Affairs of Persons with Disabilities and civil society activists reported that forced sterilization of women and girls with intellectual disabilities was a common practice. The Higher Council reported that annually approximately 64 hysterectomies were performed on women with intellectual disabilities.

A hospital official confirmed that three to four such operations were conducted annually, often at the behest of the victims' families.

Discrimination.—Women experienced discrimination in inheritance, divorce, ability to travel (see also section 2.d.), child custody, citizenship (see section 2.d., Stateless Persons), pension and social security benefits, in certain circumstances in the value of their sharia court testimony (see section 1.e., Trial Procedures) ,and in the workplace.

Under sharia (Islamic law) as applied in the country, female heirs receive half the amount that male heirs receive. Even a sole female heir receives only half of her parents' estate, with the balance going to designated male relatives, whereas a sole male heir inherits all of his parents' property. Women may seek divorce only in return for waiving alimony or other financial rights. The law allows retention of financial rights under specific circumstances, such as spousal abuse. Special courts for each Christian denomination adjudicate marriage and divorce.

The law allows fathers to prevent their children from leaving the country through a court order; however, this same court order is not available to mothers. Some mothers claimed that they were prevented from departing the country with their children because authorities enforced requests from fathers to prevent their children from leaving. However, authorities did not stop fathers from exiting the country with their children when the mother objected.

The government provided men with more generous social security benefits than it gave women. The government continued pension payments of deceased male civil servants to their heirs, but it discontinued payments to heirs of deceased female civil servants. Laws and regulations governing health insurance for civil servants do not permit married women to extend their health insurance coverage to dependents or spouses. However, divorced and widowed women may extend coverage to their children.

Women.—'s rights activists complained that the law granting women equal pay for equal work was not enforced. Many women said traditional social pressures discouraged them from pursuing professional careers, especially after marriage.

Children.—Birth Registration.—Citizenship is derived only through the father. The government did not issue birth certificates to all children born in the country during the year. The government deemed some children—including children of unmarried women or of certain interfaith marriages, and converts from Islam to another religion—illegitimate and denied them proper registration, making it difficult or impossible for them to attend school, access health services, or receive other documentation.

Education.—Education is compulsory from ages six through 16 and free until age 18. However, no legislation exists to enforce the law or to punish guardians for violating it. Children without legal residency do not have the right to attend public school. Children of female citizens and noncitizen fathers, for example, must apply for and pay 30 dinars ($42) for residency permits every year, and permission is not guaranteed. Children with disabilities experienced extreme difficulty in accessing constitutionally guaranteed early and primary education (see section 6; Persons with Disabilities).

Child Abuse.—The law specifies punishment for abuse of children. For example, conviction for rape of a child younger than 15 years potentially carries the death penalty. However, local organizations working with abused children pointed to gaps in the legal system that regularly resulted in lenient sentencing, particularly for family members convicted of abuse. For example, the penal code gives judges the ability to reduce a sentence when the victim's family does not press charges. In child abuse cases, judges routinely accorded leniency per the wishes of the family. From January to August 31, authorities investigated 329 cases of child sexual abuse and 87 cases of child physical abuse; these cases were all referred to the courts. A 2009 UNICEF report stated that 71 percent of children were subjected to verbal abuse and 57 percent had experienced some form of physical abuse in school.

According to the NCHR report, some juveniles in detention alleged torture and mistreatment (see section 1.c., Prison and Detention Center Conditions).

The government continued to fund a child protection center that provided temporary shelter and medical care for abused children between the ages of six and 12. During the year the shelter housed 73 abused children. Observers noted that the shelter lacked qualified staff, psychosocial counselors, and a comprehensive approach to deal with victims of abuse.

Child Marriage.—The minimum age for marriage is 18. However, with the consent of both a judge and a guardian, a child as young as 15, in most cases a girl, may be married. Judicial statistics indicated that in 2010 judges granted consent in 8,042 cases in which at least one person was between 15 and 18 years old.

International Child Abduction.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—Anti-Semitism was present in the media. Editorial cartoons, articles, and opinion pieces sometimes negatively depicted Jews without government response. Aside from expatriates, there was no resident Jewish community in the country. The national school curriculum, including materials on tolerance education, did not include mention of the Holocaust.

In November the daily newspaper Al-Arab Al-Yawm published a column in which the writer blamed the Jews for causing all the conflicts in the world.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law generally provides equal rights to persons with disabilities, but such legal protections were not upheld in practice. Activists noted that the 2007 law on the rights of persons with disabilities still lacked implementing regulations. The Higher Council for the Affairs of People with Disabilities (HCAPD), a government body, works with ministries, the private sector, and NGOs to formulate and implement strategies to assist persons with disabilities. During the parliamentary elections in 2010, the Ministry of Interior issued procedures for elections to include provisions to guarantee the accessibility of certain polling stations and allow people with visual impairment to bring a personal assistant with them when they vote. Citizens and NGOs universally reported that persons with disabilities faced problems accessing education, transportation, and other services, particularly in rural areas.

The HCAPD reported that educational accommodations were more readily available at the university level than in elementary and secondary schools. At all levels of education, children with certain types of disabilities were excluded from studying certain subjects and often could not access critical educational support services, such as sign language interpretation. General education teachers were not trained to work with students with various disabilities; families of children with disabilities reported that teachers and principals often refused to include children with disabilities in mainstream classrooms. The Ministry of Education provided accessible transportation to specialized centers for children with disabilities but not to mainstream schools. Students with intellectual disabilities fell under the authority of the Ministry of Social Development rather than the Ministry of Education.

The Special Buildings Code Department is tasked with enforcing accessibility provisions and oversees retrofitting of existing buildings to comply with building codes. The vast majority of private and public office buildings continued to have limited or no access for persons with disabilities; municipal infrastructure such as streets, sidewalks, and intersections were not accessible.

The law mandates that public and private sector establishments with between 25 and 50 workers employ at least one person with disabilities, and establishments with more than 50 workers must reserve 4 percent of their positions for persons with disabilities. However, the law lacked implementing regulations and was rarely enforced; in addition, employers who state that the nature of the work is not suitable for people with disabilities are exempt from the quota. A variety of activities, including opening and using bank accounts and applying for a job, require a medical letter certifying that the bearer is competent to perform the task in question. Human rights activists considered the letter a large barrier to participation in public life; some medical professionals were not aware of the full range of accommodations available and thus certified individuals as not able to perform certain tasks. During the year several individuals with visual impairment reported that they sought employment as teachers but were rejected on the basis of their disability and were directed instead to teaching assistant and other supporting positions for which they were overqualified.

The forced sterilization of women and girls with intellectual disabilities was a common practice during the year (see Women).

Human rights activists and the media reported that children and adults with disabilities were vulnerable to physical and sexual abuse while in institutions, rehabilitation centers, or other care settings, including their family homes (see section 1.c.).

National/Racial/Ethnic Minorities.—There were three groups of Palestinians residing in the country, many of whom faced some discrimination. Those who migrated to the country and the Jordan-controlled West Bank after the 1948 Arab-Israeli war received full citizenship, as did those who migrated to the country after the 1967 war and hold no residency entitlement in the West Bank. Palestinians still residing in the West Bank after 1967 were no longer eligible to claim full citizenship

but were allowed to obtain temporary travel documents without national identification numbers provided they did not also carry a Palestinian Authority travel document. These individuals had access to some government services but paid noncitizen rates at hospitals, educational institutions, and training centers. Refugees who fled Gaza after 1967 were not entitled to citizenship and were issued temporary travel documents without national numbers. These persons had no access to government services and were almost completely dependent on UNRWA services.

Several human rights organizations stated that the Ministry of Interior revoked national numbers of some longtime citizens of Palestinian origin during the year, despite codified passport issuance procedures (see section 2.d.).

Palestinians were underrepresented in parliament and senior positions in the government and the military, as well as in admissions to public universities. They had limited access to university scholarships.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexuality is not illegal in Jordan; however, societal discrimination against LGBT persons existed. A number of citizens reported sporadic police mistreatment of suspected LGBT persons. Some members of the LGBT community reported a reluctance to engage the legal system for fear that their sexuality would become an issue. There were reports of individuals who left the country due to fear their families would punish them for their sexual orientation.

Other Societal Violence or Discrimination.—HIV/AIDS was a largely taboo subject. Lack of public awareness remained a problem; many citizens believed the disease exclusively affected foreigners and members of the LGBT community. HIV-positive individuals were socially stigmatized. The government continued its efforts to inform the public about the disease and eliminate negative attitudes about persons with HIV/AIDS; however, it also continued to test all foreigners annually for HIV/AIDS, hepatitis B, syphilis, malaria, and tuberculosis, and it deported those who tested HIV-positive.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides citizens working in the private sector, in some government-owned companies, and in certain public sector professions the right to form and join unions. The law defines 17 industries and professions in which unions may be established, and establishment of new unions requires approval from the Ministry of Labor. The law requires all unions to belong to the government-subsidized General Federation of Jordanian Trade Unions (GFJTU), the country's sole trade union federation. Although foreign workers have been allowed to join unions since 2010, they are not permitted to create unions, head a union, or hold union office. There is no right to collective bargaining. The labor code provides for collective agreements, but observers stated that the relevant legal procedures are cumbersome. There are limits on the right to strike, including a minimum 14 days' notice to the employer. Strikes are prohibited if a labor dispute is under mediation or arbitration. The constitution prohibits antiunion discrimination.

On September 6, after decades of campaigns by public school teachers, the government announced a new law to establish a teachers' professional association; however, the law makes membership in the new association mandatory. The law reversed a 1994 decision by the Higher Council for the Interpretation of the Constitution that restricted civil servants from organizing.

Government influence in union policies and activities continued. The government subsidized and audited the GFJTU's salaries and activities and monitored union elections. The minister of labor may seek judicial dissolution of a labor union that fails to conform to the law.

On August 13, a group of labor activists announced the formation of a new union federation outside of the GFJTU structure, in contravention of the labor law. On November 25, the minister of labor asserted that any union that organizes in a workplace already falling under the jurisdiction of one of the 17 trade unions would be illegal; however, no further action was taken against the nascent independent union federation or its members by the end of the year.

In practice strikes generally occurred without advance notice, and the union or workers requested penalty waivers for the illegal strike as part of subsequent labor negotiations.

Foreign workers in the garment sector, whose residency permits are tied to work contracts, were vulnerable to retaliation for participating in strikes and sit-ins. The Ministry of Labor sometimes prevented management from arbitrarily dismissing foreign workers engaged in labor or other activism, but its engagement was inconsistent. Observers reported it was common practice for management to refuse to renew foreign workers' contracts on the basis of "troublemaking" or attempting to

organize in the workplace. Labor organizations reported management officials in the garment sector halted the provision of meals and utilities to worker dormitories during the year to break up several strikes deemed illegal due to lack of prior notice. Labor organizations reported that management representatives used threats and physical violence to intimidate striking workers; labor organizations and industry representatives reported that workers also sometimes used threats and physical violence to retaliate against management officials or to coerce colleagues into participating in labor actions. The law allows employers to consider employment contracts for foreign workers void if a worker is absent more than 10 consecutive days, as long as the employer provides written notice; during the year dozens of workers were reportedly deported under this provision in the wake of strikes. Governors have broad authority to deport foreign nationals accused of posing a security threat; one strike leader was deported under charges including theft and illegally trading in alcohol, by an order of the governor, signed by the minister of interior.

The Ministry of Labor received no complaints of antiunion discrimination during the year; however, some nonunionized workers alleged retaliation from employers. This was particularly the case for foreign workers in all sectors as well as citizens working in the public sector on short-term contracts (day laborers). The Ministry of Labor did not have a policy of investigating the nonrenewal of short-term contracts on the basis of antiunion animus.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, except in a state of emergency such as war or natural disaster. However, there were reports of forced labor, particularly among domestic workers. The labor code does not effectively protect domestic workers, and labor inspectors did not regularly investigate reports of labor or other abuses of domestic workers in private homes. The labor inspectorate reported that the domestic worker unit entered and inspected seven private residences during the year.

Some migrants working as domestic servants in the country were subjected to conditions of forced labor, including withholding of passports, restrictions on movement, nonpayment of wages, threats, excessively long work hours, and physical or sexual abuse.

Workers encountered conditions indicative of forced labor in some garment sector factories, including late or nonpayment of wages, restrictions on freedom of movement, and excessive overtime. The government actively inspected factories and investigated allegations of forced labor in garment factories, and reports of withholding of passports continued to decline during the year. The Ministry of Labor recommended to the labor courts the imposition of fines on violators when appropriate. The labor inspectorate stated that inspectors visited 51,661 workplaces during the year, including 161 night visits to factories in the Qualified Industrial Zones (QIZs). Inspectors issued 2,708 warnings and 14,523 citations for violations.

The government did not regularly and systematically screen third-country migrant workers sheltering at their embassies or third country nationals arrested by the police to see if they were victims of trafficking in persons.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law forbids employment of children younger than 16 years of age, except as apprentices in nonhazardous positions. The law provides that employers who hire a child younger than 16 must pay a fine of as much as 500 dinars ($710), which is doubled for repeat offenses. The law bans those between the ages of 16 and 18 from working in potentially hazardous jobs, limits working hours for such children to six hours per day, mandates one-hour breaks for every four consecutive working hours, and prohibits these children from working after 8 p.m. on national or religious holidays and on weekends. On July 23, the Ministry of Labor expanded the list of potentially hazardous jobs to include work involving explosive or flammable materials; mining; work that requires special protective gear; work involving sharp machines, screws, or electric belts; and work involving exposure to traffic or other moving vehicles, carpentry, mechanical work, welding, and blacksmithing. Also included are service jobs involving work with the elderly, addicts, or people with mental illnesses.

In practice children worked in mechanical repair, agriculture, construction, and the hotel and restaurant industry; in the informal sector as street vendors, carpenters, blacksmiths, domestic workers, and painters; and in small family businesses. Child labor appeared concentrated in larger cities, such as Amman, Zarqa, and Irbid. A 2008 Department of Statistics study estimated that more than 32,000 children between the ages of five and 17 were working in the country. Activists estimated the number to be significantly higher, as many businesses and families tended to hide the practice. The government lacked recent statistics on the problem.

During the year the Ministry of Labor issued 682 corrective notices, 292 warnings, and 67 citations for violations that involved child laborers. The Ministry of Labor's Child Labor Unit coordinates government action regarding child labor and receives, investigates, and addresses child labor complaints. The unit, with three employees, coordinated child labor inspections for the 130 labor inspectors. Labor inspectors issued fines for child labor violations but reportedly attempted alternative approaches first, such as ensuring safe work conditions and cooperating with employers to permit working children to attend school concurrently.

In 2009 the government reinstated the National Committee to Combat Child Labor and initiated development of a new national strategy; during the year the government took steps to implement portions of this strategy in cooperation with several NGOs. Overall, the government's capacity to implement and enforce child labor laws was not sufficient to deter the practice.

d. Acceptable Conditions of Work.—During the year the national minimum wage was 150 dinars ($212) per month, and the poverty level was set at 323 dinars ($455) per month for a family of six. Ministry of Labor inspectors enforced the minimum wage but were unable to ensure full compliance due to limited resources. The garment sector and workers in domestic jobs did not receive the 2008 minimum wage increase; these workers had a minimum wage of 110 dinars ($155) per month. This exemption was granted in part because of an understanding that employers often provide room and board for workers in these sectors. However, some garment factories continued to deduct room and board from workers' already below-minimum-wage salaries. Many domestic workers reported to local NGOs and their embassies that they received insufficient food, no private accommodations, and long delays in payment.

The law requires overtime pay for hours worked in excess of the 48-hour standard workweek. The law permits compulsory overtime under certain circumstances such as conducting an annual inventory, closing accounts, preparing to sell goods at discounted prices, avoiding loss to goods that would otherwise be exposed to damage, and receiving special deliveries. In such cases actual working hours may not exceed 10 hours per day, the employee must be paid overtime, and the period may not last more than 30 days. There is no cap on the amount of consensual overtime. Thus the Ministry of Labor permitted employees in some industries, such as the garment sector, to work excessive workweeks, reportedly as much as 80-100 hours per week. Employees can lodge a complaint directly with the Ministry of Labor or through organizations such as their union or the NCHR. Employees are entitled to one day off per week. Provisions for domestic workers were similar.

The law specifies a number of health and safety requirements that the Ministry of Labor is authorized to enforce; however, workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs and may be fired if they attempt to do so. Foreign workers, who make up the vast majority of workers in the QIZ garment factories and Export Processing Zones, were more susceptible to dangerous or unfair conditions, including mandatory overtime, delayed payment of wages, deductions for room and board, and unacceptable dormitory conditions.

The government continued to work with Better Work Jordan to improve labor standards in the garment sector. In June the government issued a public list of garment factories required to join the International Labor Organization project Better Work Jordan. Listed factories that did not join by the end of the year were to face fines. At the end of the year, Better Work Jordan included 50 of the 54 factories required by law to join the program.

Some workers in the agricultural sector, the vast majority of whom were Egyptian, were subject to exploitative conditions. According to a domestic NGO, it was common for agricultural workers to be paid less than the minimum wage, work excessive hours without adequate compensation, and live in substandard housing. Some employers in the agricultural sector also reportedly confiscated passports.

Domestic workers can file in-person complaints with the Ministry of Labor's Domestic Workers Directorate or the PSD; however, many domestic workers complained there was no follow-up on their cases either from the Ministry of Labor or the PSD. Domestic workers can also file complaints via a Ministry of Labor hotline; users of the hotline reported that live operators are available only during government business hours, or seven hours a day during the workweek. After-hours calls require the user to leave a message and a callback number, which poses particular difficulties for domestic workers without access to any phones but their employers'. Advocates for migrant domestic workers reported domestic workers who sought government assistance or made allegations against their employers frequently faced counterclaims of criminal behavior from their employers. Employers could file criminal complaints or flight notifications with police stations; even when domestic work-

ers benefited from initiatives such as the general amnesty that waived immigration overstay fines, they could be prevented from leaving the country due to such outstanding alerts with the police.

During the year hundreds of domestic workers from the Philippines, Indonesia, and Sri Lanka were sheltered at their respective embassies in Amman. Most had reportedly fled some form of forced labor or abuse, including unpaid wages and, to a lesser extent, sexual or physical abuse. By law employers are responsible for renewing residency permits but often failed to do this for domestic employees. As a result most of the embassy-sheltered domestic workers were considered illegal residents, and many were stranded because they were unable to pay the daily overstay fees of 1.5 dinars ($2) to depart the country. Due to the large number of domestic workers sheltered at these embassies, the government convened an ad hoc committee to review the workers' cases; this resulted in overstay fines being waived on a case-by-case basis. Out-of-status foreign workers were included in the General Amnesty Law, and workers who took advantage of the law had their overstay fines waived; however, although some of these workers either rectified their situations or departed the country, new cases of out-of-status workers increased at a steady pace. Although the General Amnesty Law waived overstay fines, observers reported that fees for working without a work permit were not included in the waiver and prevented some workers from returning to their home countries.

The Philippines, Indonesia, and for part of the year Sri Lanka prohibited the emigration of migrant workers for domestic work because of these problems. However, the prohibition did not reduce the flow of migrant workers. Some human rights organizations argued the bans heightened the vulnerability of foreign domestic workers by shutting scrupulous recruitment agencies out of the market. During the year the government and recruitment agencies took the position that the bans did not have relevance under the law; recruitment and the issuance of visas and work permits for Filipina, Indonesian, and Sri Lankan workers continued.

KUWAIT

EXECUTIVE SUMMARY

Kuwait is a constitutional, hereditary emirate ruled by the Al Sabah family. The country has a population of 3.44 million, of whom 1.1 million are citizens. The May 2009 parliamentary elections were considered generally free and fair. Security forces reported to civilian authorities.

Principal human rights problems included limitations on citizens' right to change their government; trafficking in persons within the expatriate worker population, especially in the domestic and unskilled service sectors; and limitations on workers' rights. Authorities restricted freedom of speech and assembly, especially among foreign workers and stateless Arabs (called "Bidoon").

Other human rights problems included reports of security forces abusing prisoners; restrictions on freedom of movement for certain groups, including foreign workers and Bidoon; and limitations on freedoms of press, association, and religion at times during the year. Bidoon faced social and legal discrimination, and women did not enjoy equal rights.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was sometimes a problem in corruption cases.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports that some police and members of the security forces abused detainees during the year. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians. Security forces reportedly detained, harassed, and sexually abused transgender persons.

On January 11, Mohammed al-Maimouni al-Mutairi, a citizen arrested on charges of alcohol possession, died in police custody after security officials allegedly tortured and beat him. The government conducted multiple investigations and brought criminal charges against 20 officials in connection with his death. This incident contributed to Interior Minister Shaykh Jaber Khaled Al-Sabah's decision to tender his res-

ignation later in January, according to press reports. The trial continued at year's end.

In March a Bangladeshi expatriate worker died in the Kabad police station after allegedly being tortured by three citizens and security officers. The expatriate was being held on suspicion of theft and arson. The case was referred to the public prosecutor. No further information was available at year's end.

The government stated that it investigated all such allegations of abuse and punished some of the offenders; however, in most cases the government did not make public either the findings of its investigations or any punishments it imposed.

Prison and Detention Center Conditions.—Some detention facilities lacked adequate sanitation and sufficient medical staff. Prisoners had access to potable water. There were reports of security forces abusing prisoners. In September a member of parliament alleged that security forces at the deportation center in Talha had abused prisoners. The center was severely overcrowded for much of the year and had poor sanitation.

The Central Prison Complex houses the country's three prisons: a low-security men's prison, a high-security men's prison, and a women's prison. There were approximately 200 inmates in the women's prison and 4,100 inmates in the men's prisons. Inmates reportedly lived in overcrowded conditions. Prison conditions for women were not worse than those for men. The Talha deportation center had a capacity of 1,000; official overall prison capacity was unknown.

Prisoners had reasonable access to personal visitors and were permitted religious observance. Ombudsmen may not serve on behalf of prisoners. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions.

The Ministry of Interior permitted independent monitoring of prison conditions by international and local human rights groups, the media, and the International Committee of the Red Cross (ICRC), in accordance with ICRC's standard processes. The ICRC visited all three prisons and the detention center during the year. The government allowed representatives of the leading human rights nongovernmental organization (NGO) Kuwait Human Rights Society (KHRS) to visit prisons and prisoners during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, there were reports that police arbitrarily arrested individuals during the year.

Role of the Police and Security Apparatus.—The police have sole responsibility for the enforcement of laws not related to national security, and State Security oversees intelligence and national security matters; both are under the purview of civilian Interior Ministry authorities. The military is responsible for external security.

The police were generally effective in carrying out core responsibilities. There were reports that some police stations did not take seriously the requests of complainants, especially foreign nationals. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers cases to the courts for trial; there was some evidence of police impunity.

Security forces sometimes failed to respond effectively to societal violence against family members or domestic workers.

Arrest Procedures and Treatment While in Detention.—A police officer generally must obtain an arrest warrant from a state prosecutor or a judge before making an arrest, except in cases of hot pursuit. There were a few reports of police arresting and detaining foreign nationals without a warrant during the year. The courts usually do not accept cases without warrants issued prior to arrests. Detainees were generally informed promptly of the charges against them and allowed access to their lawyers and family members. However, in compliance with the penal code, a suspected criminal may be held at a police station without charge for as long as four days, during which time authorities may prevent lawyers and family members from visiting. During this time lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. The law provides the detained person the right to a prompt judicial determination about the detention's legality; however, this right was not always respected. If charges are filed, a prosecutor may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail system for defendants awaiting trial. The bar association provides lawyers for indigent defendants; in these cases defendants do not have the option of choosing which lawyer will be assigned to them.

Arbitrary Arrest.—The law prohibits arbitrary arrest and detention, and the government observed these prohibitions, apart from a few reports that police arbitrarily arrested nonnationals.

Pretrial Detention.—Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees. Some detainees were held beyond the maximum detention period. Excessive detention in the deportation center was also a problem, particularly when the detainee owed money to a citizen.

Amnesty.—While there were no known amnesties during the year, on March 24, the Ministry of the Interior released 433 inmates from the Central Prison after the emir pardoned them. The pardon also commuted sentences for an additional 460 prisoners and abolished the deportation penalty for 170 non-Kuwaitis.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary and the right to a fair trial and states that "judges shall not be subject to any authority"; however, the emir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, many judges are noncitizens who hold one- to three-year renewable contracts. The Ministry of Justice may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed the courts showed bias in favor of citizens.

Trial Procedures.—By law criminal trials are public unless a court or the government decides "maintenance of public order" or the "preservation of public morals" necessitates closed proceedings. There is no trial by jury. Defendants enjoy a presumption of innocence and have the right to confront their accusers and appeal verdicts. The law requires defendants in felony cases to be represented in court by legal counsel, which the courts provide in criminal cases. The bar association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases, and defendants used these services. Defendants have the right to confront witnesses against them and present their own witnesses. Defendants and their attorneys generally have access to government-held evidence relevant to their cases and to appeal their cases to a higher court.

Political Prisoners and Detainees.—In February, March, and December security forces broke up several illegal gatherings of Bidoon protestors. The government charged some individuals with unauthorized gatherings, and while some charges were dropped, some trials continued at the end of the year (see also section 2.b.).

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters regarding human rights violations; however, rulings occasionally were not enforced. Administrative punishments, such as travel bans, are also available for use in civil matters.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for individual privacy and the sanctity of the home, and the government generally respected these rights in practice.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the police force or military to obtain government approval to marry foreign nationals. In practice the government offered only nonbinding advice in such matters and did not prevent any such marriages.

The government may deny a citizenship application by a Bidoon resident based on security or criminal violations committed by the individual's family members.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press "in accordance with the conditions and in the circumstances defined by law." In practice the government sometimes did not respect these rights.

Freedom of Speech.—The government restricted freedom of speech, particularly in instances purportedly related to national security. The law also specifically prohibits material insulting Islam, the emir, the constitution, or the neutrality of the courts or Public Prosecutor's Office. The law mandates jail terms for anyone who "defames religion," and any Muslim citizen may file criminal charges against a person the citizen believes has defamed Islam, the ruling family, or public morals.

Several individuals were charged with insulting the emir during the year. On February 10, Kuwait University law professor Obeid al-Wasmi was released pending trial after being arrested in December 2010 and charged with spreading false news abroad, taking part in a public gathering with criminal intent, exhorting the security forces to defy lawful orders, and infringing on the emir's authority. His case was pending at year's end.

On January 24, the Court of Cassation vacated on technical grounds the June 2010 conviction of former National Democratic Alliance head Khaled al-Fadhala for

slandering the prime minister at a 2009 rally. The case was referred back to the lower court, but on February 10, the prime minister dropped the suit.

Freedom of Press.—All print media were privately owned, although their independence was limited. They exhibited a diversity of opinion but self-censored to avoid criminal charges or fines, or to keep their licenses. Restrictions on freedom of speech also applied to the press. The law allows for large fines and up to 10 years in prison for persons who use any means (including media) to subvert the emiri system of government. The Ministry of Commerce may ban any media organization at the request of the Ministry of Information. By law newspaper publishers must obtain an operating license from the Ministry of Information.

Broadcast media are a mix of government and privately owned stations, subject to the same laws as print media.

In December 2010 authorities shut the local offices of the Al Jazeera television network and withdrew its accreditation after it broadcast footage of police using force to break up an unauthorized gathering of oppositionists and subsequently gave airtime to opposition parliamentarians who strongly criticized the government for the police actions. On December 23, the Ministry of Information announced that Al Jazeera's offices would reopen as soon as the administrative process was complete, but they remained closed at year's end.

Before the annual international book fair held in October, the Ministry of Information added more books to the thousands of titles already banned for being "contrary to the fair and state policies."

Censorship or Content Restrictions.—The Ministry of Information censored all books, commercial films, periodicals, videotapes, CDs, DVDs, and other imported material deemed illegal per the guidelines listed above. However, satellite dishes were widely available and allowed some citizens to receive unfiltered media. Most English-language educational materials that deal with the Holocaust or refer to Israel are censored to remove such references; these restrictions do not apply to the media, however.

Libel Laws/National Security.—Throughout the year the government restricted media freedom based on libel laws or national security grounds.

On March 27, the Court of First Instance convicted political activist and owner of al-Sour satellite channel Muhammad al-Juwaihel of slandering parliamentarians Musallam al-Barrak and Sa'doun al-Otaibi during a 2009 live television broadcast and sentenced him to one year in prison. However, on April 11, the government released al-Juwaihel after the court suspended the sentence contingent upon continued good behavior and fined him 200 dinars (approximately $720).

The law forbids publication or transmission of any information deemed subversive to the constitutional system on national security grounds. Although the government continued to enforce a May 2010 ban on publishing details of an investigation into an alleged Iranian spy network, media outlets continued to report on the subsequent conviction and sentencing of some defendants.

In March the Ministry of Information announced it was filing charges against Shiite newspaper Al-Dar for referring to the Saudi-led military intervention in Bahrain as an "invasion." No further information on this case was available at year's end.

Internet Freedom.—The government monitored Internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications continued to block Web sites considered to "incite terrorism and instability" and required Internet service providers to block Web sites that "violate [the country's] customs and traditions," in addition to political sites that the government found offensive. The government prosecuted and punished individuals for the expression of political or religious views via the Internet, including by e-mail, based on existing laws related to libel and/or national security. There were reports that the government attempted to collect the personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinion or beliefs. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the Ministry of Communication upon request.

On June 7, authorities arrested Nasser Abul after he posted alleged insults on Twitter against the Sunni community, as well as Bahraini and Saudi royal families. On September 27, the Court of First Instance convicted Abul for defaming religion and sentenced him to three months in prison; however, he was released immediately for time served prior to his trial. The court cleared Abul of other charges, including slander, endangering the state, and harming political relations with other Gulf countries.

Academic Freedom and Cultural Events.—The law provides for freedom of opinion and of research; however, academic freedom was limited by self-censorship, and the law prohibits academics from criticizing the emir or Islam.

The Ministry of Interior reserved the right to approve or reject annual public events and rejected those it considered politically or morally inappropriate.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly; however, in practice the government restricted this right.

Political oppositionists organized dozens of protests and rallies throughout the year. In practice security officials generally allowed peaceful protests to go forward without permits. Citing public safety and traffic concerns, officials sometimes restricted the location of planned protests to designated public spaces.

In February, March, and December security forces broke up several illegal gatherings of Bidoon protesters. In most cases the protests were allowed to proceed for some time before demonstrators were instructed to disperse. After some protesters refused to leave, and in some cases where others allegedly attacked members of the security forces, the security forces used nonlethal means to disperse the crowd and arrested some protestors. Some domestic and international NGOs alleged that the use of force was excessive.

Freedom of Association.—The constitution provides for freedom of association; however, in practice the government restricted this right. The law prohibits officially licensed groups from engaging in political activities.

The government uses its power to license associations as a means of political control. There were 73 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor did not license any new NGOs during the year. There remained 149 NGOs pending licensing by the ministry; many had been waiting years for approval. Dozens of unlicensed civic groups, clubs, and unofficial NGOs in the country had no legal status. The ministry rejected some license requests on the grounds that established NGOs already provided services similar to those the petitioners proposed. The ministry can also reject an NGO's application if it deems that the NGO does not provide a public service. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution generally provides for freedom of movement within the country; however, numerous laws constrain foreign travel, and the government placed some limits on freedom of movement in practice. The government was generally uncooperative with most efforts by the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide implementation of protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel.—Women and stateless persons (Bidoon) faced problems with or restrictions on foreign travel. Women have the right to obtain a passport and travel without a male family member's permission. However, a husband may still request that immigration authorities prevent his wife's departure from the country for up to 24 hours, after which a court order may extend the travel ban. The government restricted the ability of some Bidoon to travel abroad through the nonissuance of travel documents. It permitted some Bidoon to travel to Saudi Arabia for the annual hajj and continued to issue "Article 17" passports (temporary travel documents that do not confer nationality) for Bidoon.

The law also permits travel bans on citizens or foreigners accused or suspected of violating the law, including nonpayment of debts, and it allows other citizens to petition authorities to do so. This resulted in delays and difficulties for citizens and foreigners leaving the country.

Exile.—The law prohibits the deportation or forced exile of citizens, although the government can revoke citizenship of naturalized citizens for various causes, including felony conviction, and subsequently deport individuals.

Citizenship.—The government cannot revoke the citizenship of an individual who is born a citizen, unless that individual has obtained a second nationality, which is against the law; however, it can revoke the citizenship of naturalized citizens. During the year the government revoked the citizenship of some dual nationals and their children.

Protection of Refugees.—Access to Asylum.—The country's laws do not provide for granting asylum or refugee status. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. According to the UNHRC, there were approximately 1,100 registered asylum seekers and 322 recognized refugees in the country during the year. The country's immigration regulations prohibit local integration for asylum seekers. In practice, however, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The constitution prohibits the extradition of political refugees.

Stateless Persons.—According to the law, citizenship is derived entirely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship unless the mother is divorced or widowed from the nonnational father. The law further fails to provide nonnationals, including Bidoon, a clear or defined opportunity to gain nationality. Female citizens may sponsor their nonnational children (regardless of their age) and husbands for residency permits and may petition for their children to be naturalized, should they become divorced or widowed from a noncitizen husband.

Although the exact number of Bidoon residents was unknown, the Supreme Council for Higher Planning reported in November 2010 that there were 106,000 Bidoon in the country. The government continued to discriminate against Bidoon in some areas. On March 10, the Council of Ministers issued a decree approving the provision of some government services and subsidies, including education, employment, medical care, and the issuing of civil documents, such as birth and death certificates, to Bidoon. In practice, however, some Bidoon and international NGOs claimed that the decree had not been uniformly implemented. The government accepted Bidoon in some government positions, and some Bidoon worked in the armed forces or police; although there are no legal strictures that prevent their service in the enlisted ranks, the Bidoon have effectively been barred from enlisting in either force since 1985.

While the government granted citizenship to several hundred Bidoon during the year, more than 80,000 Bidoon citizenship requests were pending at year's end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. However, the government maintained that the vast majority of Bidoon were concealing their true identities and were not actually stateless.

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

Citizens had only a limited, indirect impact on control of the executive branch, as the constitution stipulates that the country is a hereditary emirate. The 50 elected National Assembly members (along with government-appointed ministers) must by majority vote approve the emir's choice of crown prince (the future emir). The crown prince must be a descendant of Shaykh Mubarak Al-Sabah and meet three additional requirements: that he has attained the age of majority, is of sound mind, and is a legitimate son of Muslim parents. The National Assembly may remove the emir from power with a two-thirds majority vote if it finds that any of these three conditions is no longer accurate. The law provides citizens with the right to change their representatives in the legislative branch of government, and citizens exercised this right in practice through elections.

Elections and Political Participation.—Recent Elections.—The 2009 parliamentary election, held two months after the emir dissolved the National Assembly, was generally considered free and fair. It was the third election in three years, due to the emir's previous constitutional dissolutions of parliament in 2006 and 2008.

Political Parties.—The government did not recognize any political parties or allow their formation, although no formal law bans political parties. Well-organized, unofficial blocs operated as political groupings, and members of parliament formed loose alliances. Some tribes held illegal primaries to maximize their members' chances for election to the National Assembly. Assembly candidates must nominate themselves as individuals.

Participation of Women and Minorities.—Tribal leaders excluded women from the tribal primaries. Four women served as elected parliamentarians in the 50-member National Assembly.

There are no laws or cultural practices preventing minorities from participating in political life. Members of the minority Shia community held nine of 50 seats in the National Assembly.

Section 4. Official Corruption and Government Transparency

The law mandates criminal penalties for official corruption; however, the government did not implement the law effectively, and on occasion officials were believed to have engaged in corrupt practices with impunity. The Audit Bureau is the government agency responsible for combating government corruption. Although the bureau and a government-formed committee reported various allegations of corruption and irregularities during the year, there were no public high-profile corruption cases before the courts. The parliament also frequently announced inquiries into suspected misuses of public funds, but none resulted in prosecution during the year. Opinion polls conducted in 2010 indicated a decline in the public's faith in the government's ability to control corruption.

In September media outlets reported allegations of "irregularities" including suspicious deposits of millions of dollars into the personal bank accounts of several members of parliament. At year's end the public prosecutor was investigating at least 15 parliamentarians in conjunction with the case.

There were many reports about individuals having to pay intermediaries in order to receive routine government services. Additionally, police corruption was a problem, especially when one party to a dispute had a personal relationship with a police official involved in a case. Widespread reports indicated that police showed favoritism towards citizens versus noncitizens.

Public officials were not subject to financial disclosure laws.

The law provides for public access to unclassified government information by citizens and noncitizens alike. The government enforced the law.

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

The government restricted the operations of domestic and international human rights groups and limited cooperation with them. The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. NGOs may not engage in political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the KHRS and the Kuwaiti Society for Fundamental Human Rights. Local licensed NGOs devoted to the rights or welfare of specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, were permitted to operate without government interference. A few dozen local unlicensed human rights groups operated without government restriction during the year. The government and various National Assembly committees met regularly with local NGOs and responded to their inquiries.

The government permitted international human rights organizations to visit the country. In June and December Human Rights Watch officials visited and conducted interviews, including with government officials, principally concerning the rights of the Bidoon community. Refugees International and the Open Society Institute also conducted study missions during the year.

Government Human Rights Bodies.—The National Assembly's Human Rights Committee, which operates independently of the government, is an advisory body that primarily hears individual complaints of human rights abuses. Committee members also visited the Central Prison during the year. The committee had access to adequate resources and was considered effective. It did not issue reports.

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

The law prohibits discrimination based on race, origin, disability, or language; discrimination based on social status is not addressed. In practice the government did not uniformly or consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, Bidoon, noncitizens, and domestic and expatriate workers.

Women.—Rape and Domestic Violence.—Violence against women continued to be a problem. Rape carries a maximum penalty of death, which the country occasionally imposed for the crime; however, spousal rape is not a crime. The media reported hundreds of rape cases during the year. Many of the victims were noncitizen domestic workers. Police occasionally arrested alleged rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively, especially in cases of noncitizen women raped by their employers.

The law does not specifically prohibit domestic violence, but such cases are tried as assault. A victim of domestic violence may file a complaint with police requesting formal charges be brought against the alleged abuser. Each of the country's 83 police stations reportedly received complaints of domestic abuse. However, most domestic abuse cases were not reported, especially outside the capital, likely due to

the strong social stigma associated with publicly acknowledging such problems. Police officials rarely arrested perpetrators of domestic violence even when presented with documented evidence of the abuse, such as eyewitness accounts, hospital reports, and social worker testimony. Individuals also reportedly bribed police officials to ignore domestic abuse charges. Although courts found husbands guilty of spousal abuse in previous years, those convicted rarely faced severe penalties. Noncitizen women married to citizens reported domestic abuse and inaction or discrimination by police during the year.

A woman may petition for divorce based on injury from abuse, but the law does not provide a clear legal standard as to what constitutes injury. In addition, a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury. There were no shelters or hotlines specifically for victims of domestic violence, although a temporary shelter for domestic workers housed victims during the year.

Harmful Traditional Practices.—Honor crimes, according to the penal code, are penalized as misdemeanors. The law states that a man who sees his wife, daughter, mother, or sister in the "act of adultery" and immediately kills her and/or the man with whom she is committing adultery faces a maximum punishment of three years' imprisonment and a fine of 225 dinars ($800), slightly less than a month's earnings at the public sector minimum wage. There were no reported honor crimes in recent years.

Sexual Harassment.—There is no specific law that addresses sexual harassment; however, the law criminalizes "encroachment on honor," which encompasses everything from touching a woman against her will to rape, and police strictly enforced this law. During the year the government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators face fines and jail time. Human rights groups characterized sexual harassment against women in the workplace as a pervasive, yet unreported, problem.

Reproductive Rights.—There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of children. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during childbirth, were freely available. While the government did not provide any formal family planning programs, oral contraceptives were available without a prescription.

Discrimination.—Women have many political rights; however, they do not enjoy the same rights as men under family law, property law, or in the judicial system, and they experienced legal, economic, and social discrimination. Sharia (Islamic law) courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Sharia discriminates against women in judicial proceedings, freedom of movement (see section 1. d.), marriage, and inheritance. Secular courts allow any person to testify and consider male and female testimony equally; however, in the sharia courts the testimony of a man is equal to that of two women.

The law prohibits marriage between Muslim women and non-Muslim men. A non-Muslim woman is not required by law to convert to Islam to marry a Muslim male; however, in practice many non-Muslim women faced strong economic and societal pressure to convert. The law grants custody of children of non-Muslim women who fail to convert to the father in the event of a divorce. By law a non-Muslim woman who fails to convert is also ineligible for naturalization as a citizen and cannot inherit her husband's property without being specified as a beneficiary in his will.

Inheritance is also governed by Sharia, which varies according to the specific school of Islamic jurisprudence followed by different populations in the country. In the absence of a direct male heir, a Shia woman may inherit all property while a Sunni woman inherits only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

On January 26, the National Assembly passed a series of amendments that gave women additional housing, work, and family benefits previously denied to them under existing laws. The amendments provide female citizens working in the public sector with an increase in family leave benefits, and housing subsidies enjoyed by male citizens were extended to widowed and divorced female citizens, female citizens married to noncitizens, and single female citizens above 40. The amendments also grant female citizens the right to sponsor their noncitizen spouses and children for legal residency and exempt them from paying annual residency permit fees. However, female citizens remain unable to pass citizenship to their noncitizen husbands or their children. Male citizens married to female noncitizens did not face such discrimination in law or practice.

The law states that a woman should receive "remuneration equal to that of a man provided she does the same work"; however, it prohibits women from working in "dangerous industries" and in trades "harmful" to health. Educated women maintained that the conservative nature of society limited career opportunities, although there were limited improvements. Women accounted for 53 percent of the 270,000 citizens working in the public sector, 44 percent of the 60,000 working in the private sector, and 72 percent of college graduates.

The law requires that classes at all universities be segregated by gender. Public universities enforced this law more rigorously than private universities.

A parliamentary committee for women's and family affairs exists; female parliamentarians made up four of its five members. The committee was instrumental in pushing through the amendments granting benefits to women. Additionally, some women attained prominent positions in government and business as ministers and heads of corporations. There were no female judges.

Children.—Birth Registration.—Citizenship is derived entirely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship unless the mother is divorced or widowed from the nonnational father. The government automatically granted citizenship to orphaned or abandoned infants, including Bidoon infants. Parents were sometimes unable to obtain birth certificates for their Bidoon children because of additional administrative requirements, creating an inability to access other public services such as education and health care.

Education.—By law education for citizens is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for noncitizens. On March 10, the Council of Ministers issued a decree extending education benefits to Bidoon; however, bureaucratic problems continued to hinder Bidoon children's access to free education.

Child Abuse.—Although there was no societal pattern of child abuse, most cases went unreported due to social stigmas associated with the disclosure of the practice.

Child Marriage.—The legal marriage age is 17 for men and 15 for women, but younger girls continued to marry earlier in some tribal groups. The Ministry of Justice estimated that underage marriages constituted 2 to 3 percent of total marriages.

Sexual Exploitation of Children.—There is no statutory rape law or minimum age for consensual sexual relations; however, premarital sexual relations are illegal. All pornography is illegal. There are no laws specific to child pornography.

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

Anti-Semitism.—There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Negative commentary regarding Jews appeared in the media. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. These columnists often conflated Israeli actions with those of Jews more broadly. School administrators have issued standing instructions to teachers to expunge English-language textbooks of any references to Israel or the Holocaust.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, and mental disabilities and imposes penalties on employers who refrain without reasonable cause from hiring persons with disabilities. The law also mandates access to buildings for persons with disabilities. The government generally enforced these provisions. There were no specific reports of discrimination against persons with disabilities; however, noncitizens with disabilities did not have access to government-operated facilities or receive stipends paid to citizens with disabilities that covered transportation, housing, job training, and social welfare.

In June 2010 the government approved a new disability law that had not been implemented at year's end, reportedly because of conflicts with existing law. The law provides larger disability grants, reduced working hours, and improved housing loans for citizens and Bidoon with mental or physical disabilities. It requires government employers with workforces of 50 persons or more to recruit at least 4 percent of their workforce from vocationally trained persons with special needs. The law also allows citizens with disabilities, or those with children with disabilities, to receive larger than normal housing grants and earlier pensions. Although Bidoons are not

normally entitled to receive housing grants, the new provisions include Bidoon with disabilities.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constitute the government's Higher Council for Handicapped Affairs, which makes policy recommendations, provides direct financial aid to persons with disabilities, and facilitates their integration into schools, jobs, and other social institutions. The government supervised and contributed to schools and job and training programs oriented to persons with special needs. The National Assembly has a Committee for Disabled Affairs.

National/Racial/Ethnic Minorities.—Approximately 68 percent of the country's residents were noncitizens, many originating from the Indian subcontinent and Southeast Asia. Societal discrimination against noncitizens was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexuality and cross-dressing are illegal. The law punishes homosexual behavior between men older than 21 with imprisonment of up of to seven years; those engaging in homosexual activity with males younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinars ($3,800) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public. No laws criminalize sexual behavior between women. Transgender persons reported harassment, detainment, and abuse by security forces.

Societal discrimination and harassment based on sexual orientation was common; officials practiced to a lesser extent a de facto discrimination reflecting societal values and laws. There was no government response to either. There were no official NGOs focused on lesbian, gay, bisexual, or transgender matters, although unofficial ones existed.

Other Societal Violence or Discrimination.—Local human rights NGOs reported that there were no accounts of societal violence or discrimination against persons with HIV/AIDS; however, this may be because persons with HIV do not generally disclose their status due to social stigma against the disease.

Unmarried men continued to face housing discrimination based solely on marital status. The law prohibits single men from obtaining accommodation in many urban residential areas.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The labor code, which does not apply to public sector employees, domestic workers, or maritime employees, provides workers limited rights to form and join trade unions. Discrete labor laws set work conditions in the public and private sectors, with the oil industry treated separately. The labor code permits limited trade union pluralism at the local level, but there is only one government-authorized federation, the Kuwait Trade Union Federation (KTUF).

The law provides workers a limited right to collective bargaining, again excepting domestic servants, maritime workers, and civil servants. There is no minimum number of workers needed to conclude such agreements.

Public sector workers do not have the right to strike. Private sector workers have the right to strike, although cumbersome provisions calling for compulsory negotiation and arbitration in the case of disputes limit that right. The law does not prohibit retaliation against strikers by employers or prevent the government from interfering in union activities, including the right to strike. Legal strikes require permission from the Ministry of Interior, which was rarely granted.

The law prohibits antiunion discrimination and employer interference with union functions. Any worker alleging antiunion discrimination has the right to appeal to the judiciary. By law employers found guilty of such discrimination must reinstate workers fired for union activities.

Foreign workers, who constitute the vast majority of the work force, are permitted by law to join unions only as nonvoting members after five years of work in the particular sector the union represents, provided they obtain a certificate of good conduct and moral standing from the government. They cannot run for seats or vote in board elections. The law denies foreign domestic workers (approximately 570,000 of the estimated 1.5 million noncitizen workforce) and maritime employees the right to associate and organize.

The law also stipulates that any new union must include at least 100 workers, 15 of them citizens. Both the International Labor Organization and the International Trade Union Confederation criticized the citizenship requirement for dis-

couraging unions in sectors that employ few citizens, including much of private sector employment, such as construction.

The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. By law the Ministry of Social Affairs and Labor can request the dissolution of a union by the Court of First Instance. The emir also may dissolve a union by decree.

Although the law restricts freedom of association and collective bargaining rights, the government did not always enforce these limits. Worker organizations were generally not independent of the government, and the government interfered in union activities. The government essentially treated licensed unions as parastatal organizations, providing as much as 90 percent of their budgets and inspecting financial records. If a union ceases to exist, the government, in turn, confiscates its assets.

The KTUF included 15 of the 47 licensed unions, accounting for the vast majority of union workers. Throughout the year some member unions or workers who felt the KTUF did not meet the needs of all workers left and joined the unlicensed National Trade Union Federation.

From September through the end of the year, numerous public sector unions staged demonstrations, work stoppages, and sit-ins, demanding higher salaries and greater benefits. At various points government officials threatened striking civil servants with punishment and granted military and security forces the power to break strikes, a move sharply criticized by the KTUF. The government ultimately met most of the strikers' demands in full or negotiated compromise packages. The International Trade Union Confederation criticized the government for not allowing the complete free exercise of labor unions in accordance with International Labor Organization agreements.

Skilled foreign workers who were members of unions with significant citizen membership also went on strike during the year. While public sector union leaders faced no government repercussions for their roles in the threats to strike, sit-ins, and demonstrations, companies threatened noncitizen workers calling for strikes with termination and deportation.

The KTUF stated the government did not widely enforce the requirement that foreign workers have at least five years of residence prior to joining a union.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor "except in cases specified by law for national emergency and with just remuneration." However, there were reports of such practices, usually made possible by employer misuse of the sponsorship system of noncitizen workers.

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers employed under the sponsorship system, but forced labor in the construction and sanitation sectors also existed. Forced labor conditions for migrant workers included nonpayment of wages, long working hours, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as the withholding of passports or confinement to the workplace. Female domestic workers were particularly vulnerable to sexual abuse and forced prostitution. Police and courts were reluctant to prosecute citizens for abuse in private residences.

See also the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits child labor. The legal minimum age for employment is 18; however, employers may obtain permits from the ministry to employ juveniles between the ages of 15 and 18 in some nonhazardous trades. Juveniles may work a maximum of six hours a day with no more than four consecutive hours followed by a one-hour rest period.

The government made efforts to enforce the law effectively. Approximately 300 labor ministry inspectors monitored private firms routinely for labor law compliance, including laws against child labor. Noncompliant employers faced fines or a forced suspension in their company operations. There were credible reports of child labor, consisting almost entirely of domestic servants of South Asian origin. Some underage workers entered the country on travel documents with falsified birth dates.

d. Acceptable Conditions of Work.—The law set the national minimum private sector wage at 60 dinars ($215) per month, which does not provide a decent standard of living for a worker and a family. The government will not issue visas for dependents to accompany workers earning less than 250 dinars per month ($900).

The law limits the standard workweek to 48 hours (40 hours for the petroleum industry), and gives private sector workers 30 days of annual leave. The law also forbids requiring employees to work more than 60 hours per week or 10 hours per day. The law allows for 13 designated national holiday days off annually. Workers

are entitled to 125 percent of base pay for working overtime and 150 percent of base pay for working on their designated weekly day off.

Minimum wage guarantees and overtime protections do not apply to domestic workers.

Workers submitted complaints to the Ministry of Labor's Labor Disputes Department; however, the government did not enforce the standards well, and domestic servants and other unskilled foreign workers in the private sector frequently worked in excess of 48 hours a week, often with no day of rest. There were also reports that employers forced domestic workers to work overtime without additional compensation.

The government issued occupational health and safety standards; however, compliance and enforcement by the Labor Ministry appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled pollution resulting from certain industries, trained workers to use machines, and reported violations.

Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. Inspections do not, however, take place in private residences, the workplace of the majority of the country's domestic workers, and the government did not make significant efforts to address working conditions for these workers. There were frequent reports of domestic workers committing or attempting suicide related to desperation over abuse or poor working conditions. The number of such cases continued to be significant during the year.

As in past years, the government paid limited attention to worker safety issues, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop between 11 a.m. and 4 p.m. during the months of June, July, and August, or when the temperature rises to 50 degrees Celsius (122 Fahrenheit) in the shade. The Ministry of Labor monitored work sites to ensure compliance with these rules and recorded 142 violations during the year. Workers could report these violations to their embassies, the KTUF, or the Labor Disputes Department. Noncompliant employers faced fines or a forced suspension in their company operations.

LEBANON

EXECUTIVE SUMMARY

Lebanon is a parliamentary republic, with a constitutionally mandated Maronite Christian president, Sunni Muslim prime minister, and Shia Muslim speaker of the chamber of deputies. Parliamentary elections in 2009 were considered free and fair. Government security forces reported to civilian authorities, although the terrorist group Hizballah and Palestinian security and militia forces were outside the direction of government officials.

The main human rights abuses reported during this year included limitations on freedom of movement for some refugees, and poor prison and detention conditions sometimes involving torture. Detainees faced substandard prison conditions, lengthy pretrial detention, and long delays in the court system.

Other human rights abuses included killings related to societal violence; reports of disappearances and harassment of Syrian political activists; arbitrary arrest and detention of individuals; violation of citizens' privacy rights; restrictions on freedoms of speech and press, including intimidation of journalists; official corruption and lack of transparency; societal, legal, and economic discrimination against women; widespread domestic violence; trafficking in persons; systematic discrimination against Palestinian refugees and minority groups; restricted labor rights for and abuse of migrant domestic workers; and child labor.

Although the legal structure provided for prosecution and punishment, government officials enjoyed a measure of de facto impunity for human rights violations.

Despite the presence of Lebanese and U.N. security forces, Hizballah retained significant influence over parts of the country, and the government made no tangible progress toward disbanding and disarming armed militia groups, including Hizballah. Palestinian refugee camps continued to act as self-governed entities and maintained security and militia forces not under the direction of government officials.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the government or its agents committed arbitrary or unlawful killings, although there were at least four deaths in custody during three days of riots in the prison in Roumieh in April (see section 1.c.). As in previous years, there were reports of incidents of societal violence and interreligious strife.

On June 17, clashes between Alawite residents of Jabal Mohsen and a nearby Sunni district of Bab al-Tabbaneh in Tripoli left seven people dead and more than 10 wounded, after a gun battle erupted following a rally in support of Syrian protesters. This area in Tripoli continued to see occasional clashes between the communities during the year.

On December 15, a fight between two individuals evolved into an armed clash between members from the Shia Amal Movement and the pro-Syrian Sunni Ahbash group in Bourj Abi Haidar in Beirut, leaving three dead and 11 injured. The Lebanese Armed Forces (LAF) intervened to contain the clash.

On July 29, the U.N.-appointed Special Tribunal for Lebanon (STL) indicted four individuals, Mustafa Amine Badreddine, Hussein Hassan Oneissi, Salim Jamil Ayyash, and Assad Hassan Sabra, all Hizballah operatives suspected of collaborating in the 2005 killing of former prime minister Rafik Hariri and 22 other individuals. The STL also established its jurisdiction over the killing of George Hawi and attacks on Elias Murr and Marwan Hamadeh, due to the similar nature and gravity of the attacks. Authorities notified the STL that they were unable to serve the accused with the indictments or arrest them.

There were no developments in the 2008 killing of Internal Security Forces (ISF) intelligence officer Captain Wissam Eid and three others. Captain Eid's 2006 report to the U.N. commission investigating the Hariri assassination implicated Hizballah operatives, and Eid met with U.N. investigators eight days before he was killed. The STL's four indictments of Hezbollah operatives this year relied on evidence originally developed by Eid.

There were no reports of clearly identified politically motivated crimes allegedly committed by opposition groups or terrorists. It remained difficult to distinguish such crimes from criminal acts or disputes, as the government did not exercise full control over all its territory, and investigations of suspicious killings rarely led to prosecutions.

b. Disappearance.—Syrian political activists who fled to Lebanon faced the risk of targeting, harassment, and kidnapping by Syrian and Lebanese security services. For example, on February 23 and 24, agents from the LAF Military Intelligence Bureau detained several members of the Jasem family, Syrian citizens, after one of them distributed flyers calling for protests demanding democratic changes in Syria. Jasem Jasem disappeared on February 24 along with two of his brothers who had gone to pick him up from a police station, and their whereabouts were unknown at year's end. Press reports stated ISF Major General Ashraf Rifi suspected an officer within the ISF colluded with the Syrian Embassy in his kidnapping. Four other men from the Jasem family were released after a few hours, but were then ordered to report back to the military intelligence offices. On March 8, the men were detained and later transferred to Roumieh Prison. No further information was available at year's end.

On May 24, Shibli Alayasami, one of the founders of the Arab Baath Socialist Party and a former vice-president of Syria, was reported kidnapped from Aley. Press reports quoted Interior Minister Marwan Charbel that investigations were ongoing; at year's end Alayasami's daughter told the press the family believed he was imprisoned in Syria.

According to press reports, Syrian opposition activists said they had been targeted by Syrian agents in Lebanon and were forced to operate clandestinely for their protection.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not specifically prohibit all forms of torture or cruel, inhuman, or degrading treatment or punishment, and there were reports that government officials employed such practices. According to Lebanese and international human rights groups, security forces abused detainees, and torture was common and was often used to obtain confessions or encourage suspects to implicate other individuals.

Human rights organizations reported torture occurred in certain police stations, the Ministry of Defense, in the Intelligence Branch of the Ministry of Interior's ISF, and in the ISF's Drug Repression Bureau detention facilities in Beirut and Zahle. The government continued to deny the use of torture, although authorities acknowledged violent abuse sometimes occurred during preliminary investigations at police stations or military installations where suspects were interrogated without an attor-

ney. Such abuse occurred despite national laws that prohibit judges from accepting confessions extracted under duress.

Former prisoners, detainees, and reputable local human rights groups reported that methods of torture and abuse included hanging by the wrists tied behind the back, violent beatings, blows to the soles of the feet, electric shocks, sexual abuse, immersion in cold water, extended periods of sleep deprivation, being forced to stand for extended periods, threats of violence against relatives, deprivation of clothing, withholding of food, being deprived of toilet facilities, and continuous blindfolding.

For example, in June 2010 plainclothes ISF Information Branch officers arrested and detained Mohammad Osman Zayat. According to a report from Alkarama, an international human rights nongovernmental organization (NGO), security officials put Zayat in stress positions, beat him, and used electric shocks to force a confession. In December 2010 Zayat was transferred to a military court where he and eight others were charged with being members of al-Qaida. Of the eight, only four were arrested. Before a September 28 hearing, Zayat was released but no compensation was paid for his detention and torture.

De facto impunity reportedly existed for security force officials. The penal code prohibits using acts of violence to obtain a confession or information about a crime, but the judiciary rarely prosecuted or investigated such allegations. Local human rights organizations published a study in January, Torture and Arbitrary Detention: the Bitter Reality of Lebanon, with interviews of 20 individuals who claimed to have been tortured between 2007 and 2010. Generally, the study found that individuals were more likely to report being tortured during the course of an investigation than when they were arrested on an outstanding warrant. Individuals suspected of involvement in espionage or terrorism were also more likely to report torture (see section 1.d.). More than two-thirds had complained to the investigating judge that they were tortured to obtain a confession. They reported the judges did not take their complaints into consideration and pursued their investigations based on confessions alleged to have been obtained through torture. Several individuals reported the judges threatened them with reprisals if they retracted their confessions.

On February 8, the ISF established through EU funding the Committee to Monitor Against the Use of Torture and Other Inhuman Practices in Prisons and Detention Centers. This committee aims to protect and rehabilitate victims of torture and is managed by the ISF and the NGO Association for Justice and Mercy (AJEM). It issued disciplinary actions against approximately 12 persons during its three-month trial period before its formal launch. This committee is authorized to visit prisons and detention centers without prior notification.

Prison and Detention Center Conditions.—Prison and detention center conditions were harsh and in some prisons, such as the central prison in Roumieh, life-threatening. Prisons were overcrowded in part due to lengthy pretrial detention. Sanitary conditions were very poor and worsened in Roumieh following the destruction of much of the infrastructure, including plumbing and central air, during a violent riot. According to a government official, most prisons lacked adequate sanitation, ventilation, and lighting, and temperatures were not consistently regulated; prisoners did not have consistent access to potable water. Many of the prisons were very damp, and some, such as the Zahle men's prison, did not provide beds for the inmates. Officials admitted they regularly received complaints regarding the lack of access to basic and emergency medical care, as well as the extreme overcrowding. Problems were exacerbated by the lack of a specialized department to administer regular prisons. NGOs working with prisoners reported three cases of prisoner-on-prisoner rape in Roumieh Prison in 2009. According to one NGO, 27 prisoners died in 2009, primarily due to authorities' negligence and failure to provide appropriate medical care. Updated statistics were not available at year's end.

At mid-year, there were 5,149 prisoners and detainees, including pretrial detainees and remand prisoners, in facilities built to hold 3,500 inmates. The central prison in Roumieh with a capacity of 1,500 held approximately 3,000 persons in May. Pretrial detainees were often held together with convicted prisoners. Men and women were held separately in similar conditions, and according to ISF statistics, 91 minors and 225 women were incarcerated as of May. In many prisons, prisoners who completed their sentences remained in custody due to poor record keeping.

In Roumieh Prison inmates rioted for three days in April when security forces killed four inmates after a search for weapons sparked a violent reaction with protests about overcrowding, poor medical care, and prolonged pretrial detention. September saw a second riot at the prison during which several prison officers were held hostage and another inmate killed.

Inmates could receive visitors once or twice per week, with the frequency of visits varying depending on the severity of the inmate's crime. Religious observance was allowed.

According to one government official, there was no formal channel for prisoners and detainees to submit complaints to judicial authorities. Families of prisoners normally contacted the Ministry of Interior to report complaints, although prison directors could also initiate investigations. Investigations tended to be conducted by NGOs, not the ministry, and according to a government official, prison directors often protected officers under investigation. A 2005 law establishing an ombudsman to serve on behalf of citizens was not implemented.

In 2008 the government established a human rights department in the Ministry of Interior to examine and improve prison conditions. The department, however, was not properly equipped or staffed, and there were no signs of improvement at year's end. The parliamentary human rights committee is responsible for monitoring the Ministry of Defense detention center.

The government permitted independent monitoring of prison and detention conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC), and such monitoring took place during the year. According to its 2010 annual report, the ICRC carried out 146 visits to 6,449 prisoners and detainees in 19 prisons and detention centers. Some juveniles benefit from alternative sentencing.

Nongovernmental entities such as Hizballah and Palestinian militias also operated detention facilities, about which there was no information available.

d. Arbitrary Arrest or Detention.—The law requires judicial warrants before arrest, except in immediate pursuit, but the government arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—The ISF, under the Ministry of Interior, enforces laws, conducts searches and arrests, and refers cases to the judiciary. The General Directorate for State Security (GDSS), reporting to the prime minister, and the General Directorate for General Security apparatus (DGS), under the Ministry of Interior, are responsible for border control. The LAF, under the Ministry of Defense, is responsible for external security but may also arrest and detain suspects in the country on national security grounds. Both the GDSS and the DGS collect information on groups deemed possible threats to state security.

Arrest Procedures and Treatment While in Detention.—The law generally requires a warrant for arrest and provides the right to a lawyer, a medical examination, and referral to a prosecutor within 48 hours of arrest. If authorities hold a detainee longer than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom, but charges were rarely filed. The law requires authorities to inform detainees what charges have been filed against them. A suspect caught in the act of committing a crime must be referred to an examining judge, who decides whether to issue an indictment or to order the release of the suspect. By law bail is available in all cases regardless of the charges, although the amounts demanded may be prohibitively high.

The law provides detainees prompt access to a lawyer and to family members. The state does not provide legal assistance, but the Beirut Bar Association provides lawyers for indigent defendants.

Authorities failed to observe many provisions of the law, and government security forces—as well as extralegal armed groups such as Hizballah—continued the practice of arbitrary arrest and detention, including incommunicado detention. In addition the law permits military intelligence personnel to make arrests without warrants in cases involving military personnel or involving civilians suspected of espionage, treason, or weapons possession.

Arbitrary Arrest.—According to the Lebanese Center for Human Rights (CLDH), there were clear cases of arbitrary detention and torture. On February 7, the trial of Tarek al-Rabaa, an engineer at the Alfa Telecom Company accused of spying for Israel began. After being arrested in July 2010, Rabaa was summoned to the Ministry of Defense for investigation where he was reportedly handcuffed and forcibly undressed. During his incarceration at the Ministry of Defense's detention center he was allegedly tortured with electric shocks, required to remain in a standing position during 20 days, and was slapped severely on his ears. He was allowed to see his sister—acting as his lawyer—only 32 days after his arrest. According to information available to the CLDH, he was subjected to torture and ill-treatment for 108 days at the Ministry of Defense's detention center before being transferred to Roumieh Prison, where he remained at year's end.

Pretrial Detention.—According to ISF statistics, 3,734 of the 5,149 persons in prison in May were in pretrial detention. The Office of the U.N. High Commissioner for Human Rights (UNHCHR) expressed concerns about arbitrary pretrial detention without access to legal representation and refused to support construction of new

prisons until the serious issue of arbitrary pretrial detention was resolved. According to a study by the CLDH, detainees spent a year on average in pretrial detention prior to their sentence. Individuals accused of murder spent on average 3.5 years in pretrial detention.

Palestinian refugees were subject to arbitrary arrest and detention by state security forces and rival Palestinian factions. No statistics on the number of such cases were available at year's end.

In June Hizballah announced it had detained several individuals it suspected of spying for foreign intelligence agencies. Hizballah did not release the names of the detained individuals, and no further information was available regarding their status at year's end.

Human rights activists believed that as of 2009 Syrian authorities were holding at least 575 Lebanese and Palestinians from Lebanon in prolonged and often secret detention in Syria. In 2008 Lebanese Minister of Justice Ibrahim Najjar stated in a televised interview that there were 745 citizens missing in Syria, some of whom were convicted criminals and some victims of "enforced disappearances." Najjar was the first government official to classify the detainees publicly. The Syrian government released 130 detainees in 2010; all of whom had been convicted as criminals, at year's end no additional detainees had been released.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, in practice the judiciary was subject to political pressure, particularly in the appointment of key prosecutors and investigating magistrates. Influential politicians and intelligence officers intervened at times and used their influence and connections to protect supporters from prosecution. For example, in September media reports speculated that retired brigadier general Fayez Karam received a relatively light two-year sentence for collaborating with Israel due to his political connections to leading government officials. In contrast, Shia Sheikh Hassan Mchaymech, who was held in Syria for over a year and was transferred to ISF custody in October, faces the death penalty for allegedly collaborating with Israel. Persons involved in routine civil and criminal proceedings sometimes sought to solicit the assistance of prominent individuals to influence the outcome of their cases.

Trial Procedures.—Defendants are presumed innocent until proven guilty. There is no trial by jury. Trials are generally public, but judges have the discretion to order a closed court session. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, and to question witnesses against them. Defendants may present witnesses and evidence, and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right of appeal.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice outside the control of the state. For example, local popular committees in the camps attempted to resolve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally transferred the accused to state authorities for trial.

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

Civil Judicial Procedures and Remedies.—There is an independent judiciary in civil matters. In practice it was seldom used to bring civil lawsuits seeking damages for government human rights violations. During the year there were no examples of a civil court awarding an individual compensation for such violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the law prohibits such actions, authorities frequently interfered with the privacy of persons regarded as enemies of the government.

Although the law provides for the interception of telephone calls with prior authorization from the prime minister upon a request made by either the minister of interior or minister of defense, security services and the military reportedly sometimes intercepted calls without such authorization.

Militias and non-Lebanese forces operating outside the area of central government authority also frequently violated citizens' privacy rights. Various factions used informer networks and telephone monitoring to obtain information regarding their perceived adversaries.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and of the press and provides that restrictions may be imposed only under exceptional circumstances. The government generally respected these rights in practice within the effective limitations imposed by a complex and contentious democratic political system.

Freedom of Speech.—Individuals are free to criticize the government but are legally prohibited from publicly criticizing the president and foreign leaders. Activists promoting democratic reform in Syria complained of harassment and the lack of protection offered by the Lebanese government.

Freedom of Press.—The independent media were active and expressed a wide variety of views. Dozens of newspapers and hundreds of periodicals were published throughout the country, financed by and reflecting the views of local, sectarian, and foreign interest groups. The law restricts the freedom to issue, publish, and sell newspapers. Publishers must apply for and receive a license from the minister of information in consultation with the press union.

On March 14, the Criminal Investigation Service in Beirut opened a criminal investigation on the charge of inciting sectarian strife concerning the February 10 publication of the CLDH report entitled Arbitrary Detention and Torture: The Bitter Reality of Lebanon. A hearing was scheduled for January 11, 2012.

The majority of media outlets had political affiliations, which hampered their ability to operate freely in areas dominated by other political groups and affected their reporting.

Violence and Harassment.—On July 25 and 26, military intelligence officials interrogated Saadeddine Shatila, the NGO Alkarama's representative in Beirut, for more than seven hours in relation to his work documenting human rights violations in the country—specifically the information submitted in 2010 by Alkarama to the U.N. special rapporteur on torture concerning allegations of torture committed by military intelligence and other security forces. Shatila was accused of publishing information which could be harmful to the LAF's reputation. The case was referred to the Military Court, and a decision to charge Shatila or drop the charges remained pending at year's end.

Unlike in 2010, no journalist was killed.

Censorship or Content Restrictions.—The law permits, and authorities selectively used, prior censorship of pornographic material, political opinion, and religious material considered a threat to national security or an offense to the dignity of the head of state or foreign leaders. The DGS reviews and censors all foreign newspapers, magazines, and books before they enter the country. Political violence and extralegal intimidation led to self-censorship among journalists.

Libel Laws/National Security.—The 1991 security agreement between the Lebanese and Syrian governments, still in effect, contains a provision prohibiting the publication of any information deemed harmful to the security of either state.

Publishing Restrictions.—The law includes guidelines regarding materials that are unsuitable for publication in a book, newspaper, or magazine. Any violation of the guidelines may result in the author's imprisonment or a fine. The law includes descriptions of possible violations such as writing in a way which ignites sectarian strife, defamation, criticizing the president with offensive language, and spreading false rumors.

Authorities of any of the recognized religions may unilaterally request the DGS to ban any book. The government may prosecute offending journalists and publications in the publications court.

Nongovernmental Impact: Opposition groups sometimes sought to inhibit freedom of the press. For example, according to the international NGO Committee to Protect Journalists, protesters set fire on January 25 to an Al-Jazeera van in Tripoli and harassed its staffers as its reporters covered violent demonstrations against the collapse of Saad Hariri's government.

Authors can publish books without prior permission from the DGS, but if the book contains material that violates the law, then the DGS can confiscate the book immediately, and put the author on trial based on the offending material. In some cases the authorities may see the offending material as a threat to national security. Such offenses are not taken to trial based on the Publication Law, but on the basis of criminal law or other statues. Therefore, publishing a book that has not received prior approval and contains unauthorized material could put the author at risk of a prison sentence, fines, and the confiscation of the published materials.

Internet Freedom.—There were no laws restricting access to the Internet. There was a perception among knowledgeable sources, however, that the government monitored e-mail or Internet chat rooms where individuals and groups engaged in the expression of views via the Internet, including by e-mail. The government reportedly censored some Web sites to block pornographic and religiously provocative material, but there were no verified reports the government attempted to collect personally identifiable information via the Internet in a systematic way.

Restrictions on freedom of speech concerning the president applied to social media communications which were considered to be a form of publication rather than private correspondence. For example, in June and July 2010, security forces detained Naim Hanna, Antoine Ramia, Shibel Kassab, and Ahmad Shuman for defaming President Sleiman on the social networking site Facebook and charged them with libel, slander, and defamation. The Facebook page criticized President Sleiman for allegedly interfering in municipal elections in Jbeil region, among other comments. They were released on bail in July 2010 pending trial, and there were no developments related to this case by year's end.

Academic Freedom and Cultural Events.—There were no government restrictions specific to academic freedom, but libel and slander laws applied. During the year the government censored films, plays, and other cultural events; the DGS reviewed all films and plays and prohibited those deemed offensive to religious or social sensitivities. Cultural creators and those involved in the arts practiced self-censorship.

On December 9, the film Beirut Hotel directed by Danielle Arbid was banned on the basis that it would "endanger national security." Press reports disagreed over whether the movie was banned for sexual content or political reasons, as the film mentions the assassination of former Prime Minister Rafik Hariri.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, but the government sometimes restricted this right in practice. Organizers are required to obtain a permit from the Ministry of Interior three days prior to any demonstrations. The ministry sometimes did not grant permits to groups that opposed government positions, but there were no known examples of this during the year.

Security forces occasionally intervened to disperse demonstrations, usually when clashes broke out between opposing protesters.

Freedom of Association.—The law provides for freedom of association, and the government generally respected it in practice, although there were some conditions.

No prior authorization is required to form an association, but the Ministry of Interior must be notified in order that the entity be recognized as legal, provided that it respects public order, public morals, and state security. The ministry then issues a receipt. The ministry sometimes imposed additional and inconsistent restrictions and requirements and withheld receipts, turning the notification process into an actual approval process. In some cases the ministry sent notification of formation papers to the security forces to initiate inquiries on an organization's founding members. Organizations must invite ministry representatives to any general assembly where members vote on bylaw amendments or positions on the board of directors. The ministry must then validate the vote or election; failure to do so could result in the dissolution of the organization, possible only by a decree issued by the Council of Ministers.

The cabinet must license all political parties (see section 3).

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights for citizens but placed limitations on the rights of Palestinian refugees. The Office of the U.N. High Commissioner on Refugees (UNHCR) provided protection and support to over 10,000 non-Palestinian refugees and asylum seekers, 88 percent of whom were from Iraq. The U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provided assistance specifically to Palestinian refugees. The government cooperated with the UNHRC, UNRWA, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and other persons of concern.

In-Country Movement.—The government maintained security checkpoints, primarily in military and other restricted areas. Government forces were unable to enforce the law in the predominantly Hizballah-controlled Beirut southern suburbs and did not typically enter Palestinian refugee camps. According to the UNRWA, Palestinian refugees registered with the Ministry of Interior's Directorate of Political and Refugee Affairs may travel from one area of the country to another. However, the directorate must approve transfer of registration of residence for refugees who reside in camps. The UNRWA stated that the directorate generally approved such transfers. The LAF granted Palestinian refugees residing in the area adjacent to the Nahr el-Bared camp permanent permits, which they must produce at LAF checkpoints to enter the area. Palestinian visitors who are not permanent residents must apply for visitor permits that are issued for a specific length of time, anywhere

from one day to a number of weeks or months. As of mid-year the LAF allowed Palestinian women and males under 14 years of age to enter the adjacent area without a permit, but all males 14 years of age and older continued to need an access permit. Residents have complained that LAF checkpoints and access restrictions on the area surrounding Nahr el-Bared camp hinder economic activity of the camp.

Internally Displaced Persons (IDPs).—At year's end the UNRWA reported that 16,755 refugees had returned to areas adjacent to the Nahr el-Bared refugee camp from which they had been displaced when the camp was destroyed in a 2007 fight between the LAF and terrorists from Fatah al-Islam, and 26,244 Nahr el-Bared residents remained displaced. According to the Norwegian Refugee Council's Internal Displacement Monitoring Center, by November 2010 no IDPs remained from the 2006 Israel/Hizballah conflict.

Protection of Refugees.—Access to Asylum.—The country's laws do not provide for the granting of asylum or refugee status. As a result, more than 70 percent of refugees registered with the UNHRC did not have any legal status and were liable to arrest. Nonetheless, in practice the government provided some protection through ad-hoc arrangements. The government granted admission and temporary (six-month) refuge to asylum seekers, but not permanent asylum. The DGS sometimes arbitrarily detained asylum seekers at its detention facility for more than a year and then deported them.

An agreement between the DGS and UNHRC recognized and granted protection to non-Palestinian refugees, providing temporary relief for those seeking determination of refugee status. Those wishing to claim refugee status must do so within two months of arriving in the country. The DGS issues residence permits, valid for three months, during which time the UNHRC must make a refugee status determination. The DGS extended residency permits for as long as 12 months for those to whom the UNHRC accorded refugee status.

There was a significant influx of Syrians who entered Lebanon to escape escalating violence after the start of mass unrest in Syria beginning in mid-March. While some Syrians settled in shelters, approximately 90 percent stayed with host families, who were not always families or friends. At year's end there were 4,840 Syrians registered with the UNHRC in Lebanon. The government does not officially recognize these persons as refugees, and it limits the freedom of movement for individuals who entered the country illegally. The Lebanese Higher Relief Commission and UNHRC have agreed on criteria to determine eligibility for assistance. There were no refugee camps for Syrians.

Refugee Abuse.—According to the UNHRC, domestic courts often sentenced Iraqi and African refugees officially registered with the UNHRC to one month's imprisonment and fines instead of deportation for illegal entries. After serving their sentences, most refugees remained in detention unless they found employment sponsors and the DGS agreed to release them in coordination with the UNHRC.

In a February 2010 request to the government, 14 local and international NGOs called for the release of migrants and refugees who had completed their sentences but continued to be detained without a legal basis. According to a 2009 ISF report, 13 percent of detainees were foreign nationals who had completed their sentences, and were awaiting deportation by the DGS or regularization of their situation in the country.

Employment.—The law does not distinguish between refugees and other aliens. Non-Palestinian refugees residing in the country legally were allowed to work on the legal labor market in certain sectors, provided they had a sponsor for a work permit and could pay the associated fees. In August 2010 parliament amended the Labor Law granting certain employment rights to Palestinian refugees registered with the government, including no-cost work permits, but their access to certain professions remained restricted.

In August 2010 parliament also amended the Social Security Law setting up a special account to provide end-of-service indemnities or severance pay for Palestinian refugees who retired or resigned. By year's end the Ministry of Labor had not issued implementing regulations, which limited the impact of this change. Under the proposal the UNWRA continued to bear the cost of any medical, maternity, or family health-care expenses.

Access to Basic Services.—By law UNRWA-registered Palestinian refugees are considered foreigners, and in several instances they were accorded poorer treatment than other foreign nationals. The UNRWA has the sole mandate to provide health, education, social services, and emergency assistance to the 427,732 registered Palestinian refugees residing in the country at the end of August. The amount of land allocated to the 12 official refugee camps in the country has only marginally changed since 1948, despite a four-fold increase in the population. Consequently,

most Palestinian refugees lived in overpopulated camps, some of which were subjected to heavy damage during multiple conflicts. In accordance with their agreement, Palestine Liberation Organization (PLO) security committees, not the government, provided security for refugees in the camps.

Property laws directly and effectively exclude Palestinians due to a 2001 amendment to a 1969 decree barring persons without the nationality of a recognized state from owning land and property. Palestinians who owned property prior to the law entering into force are unable to bequeath it to their heirs, and individuals who were in the process of purchasing property in installments were unable to register the property.

Palestinian refugees residing in the country were not able to obtain citizenship and were not citizens of any other country. Palestinian refugee women married to citizens were able to obtain citizenship and transmit citizenship to their children. Palestinian refugees, including children, had limited social and civil rights and no access to public health, education, or other social services. Children of Palestinian refugees faced discrimination in birth registration, and many had to leave school at an early age to earn income.

Iraqi refugees had access to both the public and private education systems. The UNHRC reported approximately 1,700 Iraqi children were registered in schools, and it provided grants to the children to help defray the costs associated with attending school. Iraqi refugees also had access to the primary health-care system. The UNHRC, through NGOs, provided secondary health care.

Syrians who had fled to Lebanon had access to the public education system. The Ministry of Education facilitated their enrollment in public schools, and the UNHRC covered school-related expenses such as school fees, books, and uniforms. The UNHRC had arranged with the ministries of social affairs and public health for registered Syrians to access designated public health centers and local clinics for primary care services, and the organization covered the bulk of the costs. The government's Higher Relief Commission covered the cost of secondary and tertiary health care.

Durable Solutions.—At year's end the UNRWA reported that 16,755 refugees had returned to areas adjacent to the Nahr el-Bared refugee camp, which was destroyed in a 2007 fight between the LAF and terrorists from Fatah al-Islam, and 26,244 Nahr el-Bared residents remained displaced. Displaced communities raised concerns about their security and freedom of movement in response to the LAF's security measures around the camp. A comprehensive, three-year plan to rebuild the Nahr el-Bared camp and surrounding communities in eight stages, begun in 2008, was in process, but remaining reconstruction was not fully funded, and less than half of the required donations had been secured by year's end.

The government did not consider local integration of other refugees, such as Iraqis, a viable durable solution.

Temporary Protection.—After Palestinians, the second largest group of refugees in the country was Iraqi. The government did not provide a temporary protection regime for Iraqi asylum seekers, and it regularly deported Iraqis who may have had valid persecution claims. According to the DGS, there were 13 Iraqis in detention at year's end, and during the year the DGS deported 80 irregular Iraqi immigrants to Iraq.

At year's end 9,353 Iraqis were registered with the UNHRC. The Danish Refugee Council estimated 15,000 to 20,000 Iraqis were living in the country; many entered the country illegally in search of jobs, education, and security. During the year the government provided limited services for Iraqi refugees. The DGS granted a three-month grace period from April 15 to July 15 for foreigners who had fallen into illegal status to regularize their residency in the country. The grace period was extended twice, from July 15 to October 26 and for Iraqis and Nigerians from October 26 to January 26, 2012.

Stateless Persons.—Citizenship is derived exclusively from the father, which may result in statelessness for children of a citizen mother and a noncitizen father when registration under the father's nationality is not possible. In addition, some children born to Lebanese fathers may not have their births registered due to a lack of understanding of the regulations or administrative obstacles. There are no official statistics on the size of the stateless population. Ministry of Justice statistics in 2009 showed that 2 percent of juveniles affected by crime had nonnational status. The problem is compounded because nonnational status is a hereditary status that stateless individuals pass along to their children.

Approximately 3,000 Palestinian refugees were not registered with the UNRWA or with the government. Also known as undocumented, or non-ID, Palestinians, most moved to the country after the expulsion of the PLO from Jordan in 1971.

Non-ID Palestinians were not eligible for assistance from the UNRWA, faced restrictions on movement, and lacked access to fundamental rights under the law. The majority of non-ID Palestinians were men, many of them married to UNRWA refugees or citizen women, who could not transmit refugee status or citizenship to their husbands or children.

On October 28, President Sleiman signed a decree revoking the citizenship of approximately 176 families due to the State Consultative Council's 2003 decision to invalidate the 1994 naturalization decree, which naturalized several thousand Palestinians in addition to other nationalities. As many as 4,000 persons may be at risk of losing their citizenship.

Approximately 1,000 to 1,500 of the 75,000 Kurds lacked citizenship despite decades of family presence in the country. Most were descendants of migrants and refugees who left Turkey and Syria during World War I but had been denied the right to citizenship to preserve the country's sectarian balance. The government issued a naturalization decree in 1994, but high costs and other obstacles prevented many from acquiring official status. Some individuals who did receive official status had their citizenship revoked this year as a result of the aforementioned presidential decree. Others held an "ID under consideration" document without date or place of birth.

Stateless individuals lack official identity documents that would permit them to travel abroad and may face difficulties traveling in the country or detention for not carrying identity documents. They have limited access to the regular employment market and no access to many professions. In addition, they cannot access public schools, public health-care facilities, or official marriage or birth registration, and are unable to own or inherit property.

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

The law provides citizens the right to change their government peacefully in periodic, free, and fair elections based on universal suffrage; however, lack of government control over parts of the country, defects in the electoral process, and corruption in public office significantly restricted this right in practice. The president and parliament nominate the prime minister, who, with the president, chooses the cabinet.

Elections and Political Participation.—Recent Elections.—Observers concluded that the 2009 parliamentary elections were generally free and fair, with minor irregularities, such as instances of vote-buying. The NGO Lebanese Transparency Association (LTA) reported that its monitors witnessed vote-buying through cash donations on election day in many electoral districts.

Political Parties.—The four major political parties and numerous smaller ones were almost exclusively based on confessional affiliation, and parliamentary seats were allotted on a sectarian basis.

Participation of Women and Minorities.—There were significant cultural barriers to women's participation in politics. Prior to 2004 no woman held a cabinet position. None was in the cabinet approved by parliament on July 7, and only three have been ministers since the first woman was appointed in 2004. Only four of 128 members of parliament (MPs) were women and all were close relatives of previous male MPs.

Minorities were able to participate in politics to some extent. Regardless of the number of its adherents, every government-recognized religion, except Coptic Christianity, Ismailism, and Judaism, was allocated at least one seat in parliament. Three parliamentarians representing minorities (one Syriac Orthodox and two Alawites) were elected in the 2009 elections. These groups also held high positions in government and the LAF. As Palestinian refugees are not citizens, they have no political rights. An estimated 17 Palestinian factions operated in the country, generally organized around prominent individuals. Most Palestinians lived in refugee camps that one or more factions controlled. Refugee leaders were not elected, but there were popular committees that met regularly with the UNRWA and visitors.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Government control of corruption was widely considered poor. Types of corruption generally encountered included systemic clientelism; judicial failures, especially in investigations of politically motivated killings; electoral fraud facilitated by the absence of preprinted ballots; and bribery. Bureaucratic transactions were customarily accompanied through the payment of bribes; in addi-

tion to regular fees, customers paid bribes for a new driver's license, car registration, or residential building permits.

Government security officials, agencies, and the police force were subject to laws against bribery and extortion. In practice the lack of strong enforcement limited the laws' effectiveness.

The law requires public officials to disclose their financial assets to the Constitutional Council, but the information was not available to the public. The Court of Accounts, the Central Inspection Department, the Office of the Minister of State for Administrative Reform, the Central Bank's Special Investigation Committee, and the Disciplinary Board were tasked with fighting corruption.

There are no laws regarding public access to government documents, and the government generally did not respond to requests for documents.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Security officials often were not cooperative and responsive to these groups' views, although other officials were.

Government Human Rights Bodies.—The parliamentary Committee on Human Rights struggled to move forward existing proposals to make legal changes to guide ministries on protecting specific human rights or, for example, improving prison conditions. The Committee did serve as a forum to highlight human rights abuses. For example, ISF Major General Rifi testified regarding the status of the ISF's investigation into the kidnapping and disappearance of the Jassem brothers (see section 1.b.).

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

The law, providing for equality among all citizens, prohibits discrimination based on race, gender, disability, language, or social status. The government generally respected these provisions; however, in practice, enforcement was not consistent, and some aspects of the law and traditional beliefs discriminated against women.

Women.—Rape and Domestic Violence.—The law criminalizes rape, and the government effectively enforced the law. The minimum prison sentence for a person convicted of rape is five years, or seven years for raping a minor. According to Article 522 of the Penal Code, the state will not prosecute a rapist and will nullify his conviction if the rapist marries his victim. According to the domestic NGO KAFA (Enough) Violence and Exploitation, spousal rape was not criminalized, and 80 percent of domestic violence victims the NGO assisted suffered spousal rape.

Neither the Penal Code nor personal status laws governing family matters adjudicated by state-sanctioned religious courts specifically prohibit domestic violence. There were no authoritative statistics on its extent, but there is a broad consensus that domestic violence, including spousal abuse, was a serious problem. A September 2010 UNHCHR assessment estimated that there were high rates of domestic violence in the country. Despite a law that sets a maximum sentence of three years in prison for battery, some religious courts may legally require a battered wife to return to her home despite physical abuse. Foreign domestic servants, usually women, were often mistreated, abused, and in some cases raped or placed in slavery-like conditions (see section 7.c.).

The government provided legal assistance to domestic violence victims who could not afford it, but in most cases police ignored complaints submitted by battered or abused women. The NGO Lebanese Council to Resist Violence against Women and KAFA worked to reduce violence against women by offering counseling and legal aid and raising awareness about the problem. During the year KAFA assisted in 330 cases of victims of violence, the majority of which concerned domestic violence.

Harmful Traditional Practices.—On August 4, parliament cancelled Article 562 of the Penal Code on honor crimes, which allowed a reduced sentence for a man who killed his wife or other female relative in response to a socially unacceptable sexual relationship conducted by the victim.

Sexual Harassment.—The law prohibits sexual harassment, but it was a widespread problem, and the law was not effectively enforced. Social pressure against women pursuing careers was strong in some parts of society. Men sometimes exercised considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There

are no legal prohibitions or governmental encumbrances to equal access under the law for reproductive health care products or services, although the most advanced clinics and practices were in the larger metropolitan areas. Women had equal access to diagnosis and treatment for sexually transmitted infections, including HIV, and the government provided free hospital treatment and free antiretroviral drugs for all persons with HIV/AIDS.

Discrimination.—Women suffered discrimination under the law and in practice. In matters of child custody, inheritance, and divorce, personal status laws provide unequal treatment across the various confessional court systems, but generally discriminate against women. For example, Sunni civil courts apply an inheritance law that provides a son twice the inheritance of a daughter. Religious law on child custody matters favors the father in most instances. Immigration law also discriminates against women, who may not confer citizenship on their spouses and children, although widows may confer citizenship on their minor children. By law women may own property, but they often ceded control of it to male relatives due to cultural reasons and family pressure. The law provides for equal pay for equal work for men and women, but in the private sector there was discrimination regarding the provision of benefits. Only 25 percent of women, compared to 75 percent of men, were in the formal labor force, and these women earned on average less than 25 percent of what men earned.

The Women's Affairs Division in the Ministry of Social Affairs is the highest-level governmental organization dealing with women's issues. The division undertook some projects to address sexual or gender-based violence, such as providing counseling and shelter for victims and training ISF personnel to combat it in prisons.

Children.—Birth registration.—Citizenship is derived exclusively from the father, which may result in statelessness for children of a citizen mother and noncitizen father who cannot transmit his own citizenship (see section 2.d.).

The government did not register the births of children born in the country to Palestinian refugees or non-ID Palestinian parents, resulting in the denial of citizenship and restricted access to public services, including school and health care. Children of citizen mothers and Palestinian fathers were not granted citizenship.

Some refugee children and children of foreign domestic workers also faced obstacles to equal treatment under the law, and NGOs reported discrimination against them, although some could attend public school. According to a 2008 report by the Integrated Regional Information Networks, children born in the country of migrant domestic workers had no official identity.

Education.—Education is free and compulsory through the primary phase for citizens. Noncitizen children, including those born of noncitizen father and citizen mothers, do not have this right. Certain public schools have quotas for noncitizen children, but there are no special provisions for children of female citizens, and spaces remained subject to availability.

Child Marriage.—The age of legal maturity is 18 for men and 17 for women. Family matters are governed by confessionally determined personal status law, and minimum ages acceptable for marriage differ accordingly.

Sexual Exploitation of Children.—The Penal Code prohibits and punishes commercial sexual exploitation and forced prostitution. Prescribed punishment for commercial sexual exploitation of a person under 21 years old is imprisonment of one month to one year and fines ranging between 50,000 and 500,000 pounds ($33-333). The maximum sentence for commercial sexual exploitation is two years' imprisonment. The minimum age of consensual sex is 18 years old, and statutory rape penalties include hard labor for a minimum of five years and imprisonment for a minimum of seven years if the victim is younger than 15 years old. Imprisonment ranges from two months to two years if the victim is between 15 and 18 years old.

International Child Abductions.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—At year's end there were approximately 100 Jews living in the country and 6,000 registered Jewish voters who lived abroad but had the right to vote in parliamentary elections.

During the year representatives from the Israeli Communal Council reported continued acts of vandalism against a Jewish-owned cemetery in downtown Beirut. There were no arrests or prosecutions by year's end.

In a television interview on Syrian-based Al-Dunya TV in July, the bishop of the Syriac Orthodox Church in the country, George Saliba, accused Jews of controlling global financial markets and world organizations and blamed them for inciting all global wars and evils. Saliba also blamed Christ's death on the Jews, and referenced

the forged The Protocols of the Elders of Zion, propagating a myth of Jewish world domination.

The national school curriculum materials on tolerance education did not contain materials on the Holocaust.

The Ministry of Interior delayed validation of the 2008 elections of the Israeli Communal Council (see section 2.b.). The next elections are anticipated to be held in 2013.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—Although prohibited by law, discrimination against persons with disabilities continued. The law defines a "disability" as a physical, sight, hearing, or mental impairment. The law stipulates at least 3 percent of all government and private sector positions be filled by persons with disabilities, provided such persons fulfill the qualifications for the position; however, there was no evidence the law was enforced in practice. The law mandates access to buildings by persons with disabilities, but the government failed to amend building codes. Many persons with mental disabilities were cared for in private institutions, several of which the government subsidized.

The Ministry of Social Affairs and the National Council of Disabled are responsible for protecting the rights of persons with disabilities. According to the president of the Arab Organization of Disabled People, little progress has been made since the law on disabilities was passed in 2000. Approximately 100 relatively active but poorly funded private organizations made most of the efforts to assist persons with disabilities.

In 2009 the Ministry of Interior issued a decree to provide accessibility to polling stations for persons with special needs during the parliamentary elections; however, a Lebanese Physically Handicapped Union study showed that only six polling stations out of 1,741 satisfied all six criteria for accessibility.

National/Racial/Ethnic Minorities.—A February report funded by the EU and written by a coalition of local human rights organizations, A Culture of Racism in Lebanon, identified a widespread pattern of discrimination against individuals who did not appear ethnically Lebanese. Lebanese of African descent attributed discrimination to the color of their skin and claimed harassment from police who periodically demanded to see their papers. Arab, African, and Asian students, professionals, and tourists reported being denied entry into bars, clubs, restaurants, and private beaches. Male foreign migrant workers reported regular harassment from police officers and said they were often accused of theft. Syrian workers, usually employed in the manual labor and construction sectors, continued to suffer discrimination, as they did following the 2005 withdrawal of Syrian forces from Lebanon.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Official and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons persisted during the year. The law prohibits "unnatural sexual intercourse," an offense punishable by up to one year in prison, but it was rarely applied. In 2010 the domestic NGO Helem (from the Arabic acronym for Lebanese Protection for LGBT Persons) reported fewer than 10 prosecutions. The law was sometimes applied to men engaging in same-sex sexual activity; it was rarely applied to women, although Helem reported that police used the law to blackmail women. During the year, the NGO Heartland Alliance reported that a man faced death threats from relatives because of his sexual orientation; the man was also reported to the police by his mother for same-sex sexual activity and was subsequently imprisoned.

Meem, the first NGO in the country exclusively for non-heterosexual women, and Helem hosted regular meetings in a safe house, provided counseling services, and carried out advocacy projects for the LGBT community.

Other Societal Violence or Discrimination.—Helem reported during 2009 that at least five HIV-positive individuals reported discrimination by dentists or hospital staff. Updated statistics were not available at year's end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows all workers except public sector employees to form and join unions, but requires prior government approval. Foreigners with legal resident status may join unions. The Ministry of Labor must approve the formation of unions, and it controlled the conduct of all trade union elections, including election dates, procedures, and ratification of results. The law permits the administrative dissolution of trade unions and bars trade unions from political activity. All workers except public employees have the right to strike, with significant restrictions. Organizers of a strike must an-

nounce the number of participants in advance, and 5 percent of a union's members must take responsibility for maintaining order during the strike. The law protects the right of workers to organize and to bargain collectively; however, a minimum of 60 percent of workers must agree on the goals beforehand. Collective bargaining agreements must be ratified by two-thirds of union members at a general assembly. Unions have the right to demonstrate with advance notice to and approval by the Ministry of Interior. The law allows more than one union per sector to bargain collectively on behalf of its members. The law prohibits antiunion discrimination, although this was weakly enforced. According to the Labor Law, when employers misuse or abuse their right to terminate an elected union official's contract, including for union activity, the worker is entitled to indemnity and can institute proceedings before a Conciliation Board that adjudicates the case, after which an employer may be compelled to reinstate a worker.

Domestic workers, day laborers, temporary workers in the public services, and some categories of agricultural workers are not covered by the country's labor code either because they were not considered residents under the law or because the labor law excludes domestic and certain agricultural work from labor law protections.

Generally, refugees may organize their own unions. Because of restrictions on their right to work, few refugees participated actively in trade unions. While some unions required citizenship, others were open to foreign nationals whose home countries had reciprocity agreements with Lebanon. Because they are stateless, Palestinian refugees are legally barred from entering certain professions such as engineering, law, and medicine. Although parliament adopted the amendment of Article 59 of the Labor Law that granted certain employment rights to Palestinian refugees registered with the government, including no-cost work permits, their access to certain professions remained restricted. Parliament also adopted the amendment to Article 9 of the Social Security Law setting up a special account within the National Social Security Fund to provide end-of-service indemnities or severance pay for Palestinian refugees who retired or resigned (see section 2.d.).

In practice, freedom of association and the right to collective bargaining were not always respected and collective bargaining occurred infrequently. The law provides that unions conduct activities free from interference, but in practice the Ministry of Labor interfered in union elections and registered unions not considered representative by the General Confederation of Lebanese Workers (CGTL), which represents a total of 52 union federations. The Ministry of Labor has previously encouraged the establishment of unions for political purposes, including some that did not have significant representation among the sector they represented. Political figures also sought to influence union activities. Political parties including Amal and Hizballah were known to influence the CGTL.

The CGTL remained the only organization the government recognized as an interlocutor for workers, while approximately 13 federations that composed the "Salvation Committee of the CGTL" no longer participated in CGTL meetings but had not declared an official breakaway at year's end. Collective bargaining did not occur often. The Labor Law protects workers from discrimination for union activity, but the law is weakly enforced. According to a labor contact, some employers have fired workers in the process of forming a union, before the union is formally established and published in the Official Gazette.

b. Prohibition of Forced or Compulsory Labor.—The antitrafficking law promulgated on September 1 considers forced or compulsory labor a form of exploitation and prohibits such labor. Children, foreign workers employed as domestic servants, and other foreign workers sometimes worked under forced labor conditions.

Government regulations prohibit employment agencies from withholding foreign workers' passports for any reason; however, this regulation was not effectively enforced and the practice was commonplace, especially in the case of domestic workers.

According to NGOs assisting migrant workers, some employers did not pay their workers regularly, and some withheld their salaries for the duration of the contract, which was usually two years. Female domestic workers, mainly from Asian and African countries, had no practical legal recourse because labor laws did not protect them. The government prohibited foreign women workers from countries without diplomatic representation in the country. The sponsorship system ties foreign workers' residency to a specific employer, making it difficult for a domestic worker to change employers. Once employment is terminated, a worker loses residency, making many reluctant to file complaints because they risk detention because of their illegal status.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment is 14 years of age, and the law lists the legal occupations for juveniles. The law requires juveniles, defined as children between 14 and 18 years of age, to undergo a medical exam by a doctor certified by the Ministry of Public Health to assure they are physically fit for the type of work they are asked to perform. The labor code prohibits employment of juveniles younger than 18 years old for more than six hours per day and requires one hour of rest if work lasts more than four hours. Juveniles younger than 17 years old are prohibited from working in jobs that jeopardize their health, safety, or morals; they also are prohibited from working between 7 p.m. and 7 a.m. The law prohibits the employment of juveniles younger than 16 years old in industrial jobs or jobs physically demanding or harmful to their health. The penal code calls for penalties ranging from a fine of 250,000 pounds ($166), one to three months' imprisonment, or forced closing of the establishment.

The Ministry of Labor is responsible for enforcing these requirements through its Child Labor Unit. In 2010 the ministry admitted that the 130 labor inspectors and assistant inspectors employed to enforce child labor laws were not sufficient. The Higher Council of Childhood (HCC) raised awareness and provided education to families and children to help prevent child abuse. Along with other government agencies, the HCC is charged with enforcement of laws related to forced labor and child trafficking, commercial sexual exploitation of children, and the use of children in illicit activities. The HCC is also responsible for referring children held in protective custody to appropriate NGOs to find safe living arrangements.

Current figures on child labor in the country were unavailable. Anecdotal evidence suggested the number of child workers has risen and that more children were working in the informal sector, including prostitution. Child labor was predominantly concentrated in the informal sector, including in small family businesses, mechanical workshops, carpentry, construction, manufacturing, industrial sites, welding, agriculture, and fisheries. Children work under the table in some of these informal sector jobs, often in small and/or family businesses that are not part of any formal business syndicates/associations. Street children worked selling goods, polishing shoes, and washing car windows. Anecdotal evidence also suggested that child labor was prevalent within Palestinian refugee camps and among Iraqi refugees and Roma (nomadic) communities in the country. Traffickers used children for commercial sexual exploitation and hazardous work conditions.

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

d. Acceptable Conditions of Work.—The legal minimum wage was 500,000 pounds ($333) per month across all sectors and industries. The law prescribes a standard 48-hour workweek with a 24-hour rest period per week. The law stipulates 48 hours as the maximum duration of work per week in most corporations except agricultural entities. A 12-hour day is permitted under certain conditions, including a stipulation that the overtime provided is 50 percent higher than the pay for other hours. The law does not set limits on compulsory overtime.

The law includes specific occupational health and safety regulations and requires employers to take adequate precautions for employee safety. The Ministry of Labor is responsible for enforcing these regulations but did so unevenly. The ministry employed approximately 130 labor inspectors and assistant inspectors. Labor organizers reported workers did not have the right to remove themselves from hazardous conditions without jeopardizing their employment. Foreign and local domestic servants are not covered under the labor law.

In practice, workers in the industrial sector worked an average of 35 hours per week, and workers in other sectors worked an average of 30 hours per week. Some private sector firms failed to provide employees with family and transport allowances as stipulated under the law and did not register them with the National Social Security Fund (NSSF). Employers sometimes registered their employees with lower salaries to decrease their contributions to the NSSF and their end-of-service pay to the employee. Some companies did not respect legal provisions governing occupational health and safety, for example, in the construction industry. Workers may report violations directly to the CGTL, Ministry of Labor, or NSSF. In most cases they preferred to remain silent for fear of arbitrary dismissal.

Some employers mistreated, abused, and raped foreign domestic workers, who were mostly of Asian and African origin. Domestic workers often worked long hours and in many cases did not receive vacations or holidays. There was no official minimum wage for domestic workers. Official contracts stipulate a wage ranging from 150,000 to 450,000 pounds ($100 to $300) per month, depending on the nationality of the worker. Migrant domestic workers are granted increased labor protections through a unified standard contract, which is registered with the DGS in order for

the worker to obtain residency. The contract covers terms and conditions of employment but the section covering wages is completed individually. Victims of abuse may file civil suits or seek legal action, often with the assistance of NGOs, but most victims, counseled by their embassies or consulates, settled for an administrative solution that usually included monetary compensation and repatriation.

Perpetrators of abuses were not further prosecuted for a number of reasons, including the victims' refusal to press charges and lack of evidence. An unknown number of other cases of nonpayment of wages were settled through negotiation. According to source country embassies and consulates, many workers did not report violations of their labor contracts until after they returned to their home countries, as they preferred not to stay in the country for a lengthy judicial process. On October 10, pursuant to Article 554 of the Penal Code, a judge convicted an employer in absentia of physically abusing a domestic worker. The employer was sentenced to 10 days' imprisonment and required to pay the domestic worker compensation totaling 980,000 pounds ($666).

Foreign migrant workers arrived in the country through local recruitment agencies and source country recruitment agencies. Though all recruitment agencies must have a license from the Ministry of Labor, the government did not adequately monitor their activities.

LIBYA

EXECUTIVE SUMMARY

At year's end, a 38-day-old interim government began to exercise authority in Libya, formerly the Great Socialist People's Libyan Arab Jamahiriya. After eight months of civil war, ending with the ouster of the Qadhafi regime, construction of a republican form of government began. The opposition leadership in the Transitional National Council (TNC), which was formed on February 27, exercised executive authority prior to naming an interim government on November 23 and thereafter acted in a de facto legislative capacity as an arm of the government engaged in transition planning. Adopted by the TNC on August 3, Libya's Constitutional Declaration provides the basis of governance and allows for the exercise of a full range of political, civil, and judicial rights, including Article 3, which safeguards freedom of expression and assembly, and Article 8, the right to due process—rights that the Libyan people were systematically deprived of during Qadhafi's 42-year rule. While Qadhafi-era laws that did not contravene the declaration remained in force, the applicability of former laws remained unclear at year's end, due in large part to the absence of functioning courts. Although an indirect electoral system existed on paper under Qadhafi, in practice his inner circle monopolized all positions of power and security forces reported to them. During the conflict and in the brief period that followed until the end of the year, the TNC and later the interim government had yet to establish full political or military control over the country. In the 10-week period after the TNC declared the country's "liberation" on October 23, few security forces reported to the interim authorities, while militias acted sometimes in concert with government directives but did so more often autonomously.

Qadhafi's fall ended an era of systematic, state-sanctioned human rights violations. Although human rights abuses did continue to occur, most frequently in areas where the TNC had yet to exert influence over militias, the scope and extent of abuse in the country measurably diminished following the end of the Qadhafi regime in October. The Qadhafi government's immediate response to protests begun on February 15 was to crack down on dissent, using excessive and violent force against civilians. Protests rapidly evolved into armed clashes, escalating into a nationwide armed conflict. Qadhafi's death on October 20 and the takeover of his last stronghold of Sirte ended the conflict. While the transition led to a relatively free political environment—apart from hostility to real and perceived Qadhafi loyalists—the new authorities lacked the capability to fully protect civil and judicial rights in practice.

During the year the most significant human rights problems stemmed from the Qadhafi regime's denial of its citizens' right to peacefully change the government. While human rights violations were reportedly committed by both sides, Qadhafi's government was responsible for the bulk of abuses committed during the armed conflict. A legacy of decades of sustained oppression, corruption, and organizational dysfunction challenged efforts by both the interim government and the TNC to enforce the rule of law. Continuing violence, organizational dysfunction, and widespread cor-

ruption further degraded the human rights environment. Militias were largely responsible for continued human rights abuses following the end of the war.

The Qadhafi regime carried out a deliberate policy of human rights abuse. The following other important governmental human rights abuses and societal problems were reported: extrajudicial killings; excessive and indiscriminate use of force against antigovernment protesters, civilians, and civilian facilities; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment, including rape; poor conditions in frequently illegal detention and prison facilities; arbitrary arrest and detention; impunity; denial of fair public trial; political prisoners and detainees; feeble judicial authority; arbitrary interference with privacy and home; use of excessive force and other abuses in internal conflicts; restriction on humanitarian aid to civilians; limits on freedoms of speech, press, assembly, and association; restrictions on freedom of movement; internally displaced persons (IDPs); lack of transparency and significant, widespread corruption at all levels of government; constraints on international and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic and racial minorities, including foreign workers; trafficking in persons; and limitations on labor rights in practice, including forced labor.

Impunity for abuses was a serious problem. Although revolutionary militias detained abusive Qadhafi-era officials, there was no functioning judicial system to try them. Similarly, with the judiciary still not functioning, the interim government had not taken steps by year's end to prosecute opposition militia members and fighters who committed abuses during and after the conflict.

During the year opposition forces reportedly violated human rights and humanitarian norms. Militias and their supporters—which were not fully under the control of the TNC or transitional government authority—committed unlawful killings, other physical violence, and other abuses. Principal targets were actual or suspected detained Qadhafi soldiers or supporters, possible sub-Saharan African mercenaries or dark-skinned Libyans, and former members of the security forces. Disappearances, illegal detentions, and imprisonment of persons on political grounds occurred, as did looting and further violence. Vulnerable civilian populations, including ethnic minorities and migrants, faced discrimination and violence during and after the conflict.

The lack of independent observers and communications disruptions, particularly in Western Libya, resulted in a heavy reliance on secondary sources in the preparation of this report.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were widespread reports that the Qadhafi government and its agents, as well as opposition forces and their supporters, committed arbitrary or unlawful killings, including of civilians.

Violent government responses to protests in February led to civilian deaths. In the eastern part of the country, according to Amnesty International (AI), most protester fatalities occurred in Benghazi and al-Bayda, where security forces met peaceful protests with excessive and lethal force beginning on or about February 16 and 17. When protests turned violent, particularly after February 18, security forces responded using automatic assault rifles to fire into crowds without warning and did not employ precautions to minimize harm, firing live ammunition in the streets and from rooftops, targeting protesters and bystanders outside and indoors, well as those attempting to rescue the wounded. Scores of deaths in the East due to wounds to the head, neck, and chest suggested that Qadhafi forces were given shoot-to-kill orders. In February alone, hundreds were reported killed. Most of the victims were reportedly unarmed protesters, while a smaller number were armed protesters and defectors killed in clashes with Qadhafi security forces. Government forces subsequently fired on protesters in other cities, including Misrata, Tripoli, Zawiya, Zintan, Kufra, and towns in the Nafusa Mountains, among others. Qadhafi security forces also rounded up and detained those suspected of political dissent, in many cases detaining them without food or water, leading to numerous deaths. Qadhafi forces also conducted attacks on Zawia, Zintan, Ajdabiya, and other cities, leading to heavy damage of residential areas and large numbers of civilian deaths.

In the East in mid-February, anti-Qadhafi armed groups reportedly killed police, soldiers, security force members, and suspected mercenaries and loyalists captured in and around al-Bayda, Benghazi, and Derna. When military facilities were overrun, Qadhafi loyalists were in some cases hanged, beaten to death, or shot and killed after being captured or surrendering. Armed groups also killed various sub-Saharan nationals, accused of mercenary activity, and at times displayed their bodies publicly, including two reported incidents of hanging in al-Bayda and Benghazi. On February 18, anti-Qadhafi groups took control of the military airbase in Derna

and reportedly executed approximately 50 suspected African mercenaries and two others, according to indirect reporting provided to AI.

As confrontations between protesters and security services turned more violent after February 18 and 19, in part due to police and security services defections, the violence escalated into a large-scale internal armed conflict in late February, and all groups involved committed further arbitrary or unlawful killings (see section 1.g.).

b. Disappearance.—Qadhafi-era law includes provisions against enforced disappearance that neither the Qadhafi regime nor its armed opponents respected in practice. The TNC made several declarations rendering null the "special security" provisions of Qadhafi laws, some of which facilitated political repression. Prior to and during the conflict (see also section 1.g.), the Qadhafi government pursued a campaign of enforced disappearances, rounding up persons suspected of supporting the opposition, including known activists or critics, online dissidents, journalists, protesters, and migrant workers. Other categories included members of the armed forces that refused to fire on protesters or joined demonstrations as well as those who later disappeared in combat. Activists and government critics reportedly began disappearing in al-Bayda, Benghazi, Misrata, and Tripoli in advance of popular protests widely planned for February 17.

The total number of persons subjected to forced disappearance by the Qadhafi regime remained unknown at year's end; however, reported estimates included thousands of persons, some of whom rights groups presumed were unlawfully killed upon capture or in captivity. The Qadhafi government did not share details about those held or their location, strictly increasing its limitations on visits by independent organizations to only certain Ministry of Justice-equivalent facilities in January and February.

The discovery of numerous mass graves revealed the remains of those killed in previous years in addition to others apparently killed en masse by Qadhafi security forces during the conflict (see section 1.g.). For example, on September 25, anti-Qadhafi groups found a mass grave near the prison in Tripoli reportedly containing the remains of an estimated 1,200 prisoners killed in 1996 by prison guards during riots. According to AI, most of the prisoners were previously the victims of enforced disappearances. In addition, pro-Qadhafi forces buried 170 bodies in a mass grave in Bin Jawwad; some of the deceased had been executed.

Anti-Qadhafi groups reportedly conducted targeted disappearances against suspected or real Qadhafi supporters (see section 1.g.). This practice continued after the establishment of the interim government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Under Qadhafi the law prohibited such practices, with the exceptions of judicially sanctioned corporal punishments such as amputation and flogging. There was no information as to whether such punishments were carried out. The Constitutional Declaration stated that no punishment could be implemented outside the law.

The Qadhafi government's security personnel routinely tortured and abused detainees and prisoners, including political opponents, during interrogations or as punishment. Frequent methods reportedly included electric shocks, beatings, targeted beating on the soles of the feet, hanging or contortion of the body for prolonged periods, sleep deprivation, solitary confinement, and burning of the skin with cigarettes during interrogation. Testimonies from those detained in Sirte or Tripoli by the Qadhafi regime indicated that torture and mistreatment were common during arrest and the initial period of detention (see section 1.g.).

Following the fall of Qadhafi, fighting forces and militias largely outside the command of the interim government or the TNC filled the security vacuum and some reportedly violently abused detainees and prisoners. Treatment varied from facility to facility and was typically worst at the time of arrest. Reported abuses included beatings across the body with belts, sticks, rifles, and hoses; administration of electric shocks; and threats of rape. In one case, media and rights groups documented severe abuse of detainees, including IDPs, by militias in Misrata, especially former residents of Tawargha, during the internal conflict and afterwards (see also section 1.g.). Abuses against detainees, particularly alleged Qadhafi loyalists and sub-Saharan Africans aligned with Qadhafi, were similarly reported at other militia-run facilities throughout the country.

Prison and Detention Center Conditions.—According to international organizations and rights groups, Qadhafi government prison and detention center conditions ranged from poor to adequate in formal facilities, but there was scant information available about conditions inside prisons. As a result of the conflict, makeshift facilities appeared throughout the country to accommodate detainees collected by all sides. In such cases conditions were uneven and varied widely, but consistent prob-

lems included overcrowding; insufficient food, water, and ventilation; the lack of basic necessities such as mattresses; and poor access to hygiene and health care. There were reports that the Qadhafi government used informal facilities, including but not limited to warehouses, military buildings, shipping containers, and other venues, in addition to formal detention facilities. Militias reportedly detained persons at schools, former government military sites, and other informal venues, including private homes and, in one case, a soccer club. In the aftermath of the conflict, prison and detention conditions were largely but not entirely under government authority, and conditions in some were poor to the point of being life threatening.

The total number of prisoners and detainees was unknown. The International Committee of the Red Cross (ICRC) reported that it visited 14,000 detainees in 100 detention facilities during the year. At year's end, the ICRC caseload was approximately 8,500 detainees in 68 facilities under the control of local councils, militias, private individuals, or in some cases reported criminal enterprises. The ICRC did not register every detainee at each site, suggesting that the total number of those held were higher. Men and women were reportedly held separately; there was no information available about conditions specifically for women. Human rights organizations reported that militias held minors with adults. There was no credible ombudsman who could serve on behalf of prisoners and detainees.

During the Qadhafi era, the government did not allow independent monitoring of prison conditions by independent NGOs, the media, or international human rights groups. International organizations had some access to Ministry of Justice-run prisons but not to security services' facilities. The Internal Security Organization (ISO) controlled two main prisons in Tripoli, Abu Salim and Ain Zara, as well as numerous unrecognized facilities outside of legal remit and not accessible to independent monitors. According to AI, there were no known independent monitor visits to the Abu Salim or Ain Zara prisons, the Salaheddin detention facility in Tripoli, or the military police barracks in Sirte, a city where many of the missing were thought to be held by Qadhafi forces.

The ICRC opened an office in the country and generally had good access to facilities and known informal detention sites under the control of the TNC and revolutionary militias; access for other international organizations varied.

d. Arbitrary Arrest or Detention.—The Qadhafi-era criminal code establishes procedures for pretrial detention and prohibits arbitrary arrest and detention, but the Qadhafi regime did not observe these prohibitions. There were reports that Qadhafi security forces arbitrarily arrested and detained citizens without formal charges and held them indefinitely without court convictions. At year's end, the interim government had little control over police and regional militias providing internal security and also did not observe these prohibitions. After the fall of Qadhafi, certain armed groups, including militias, carried out illegal and arbitrary detentions through the end of the year.

Role of the Police and Security Apparatus.—The Qadhafi regime maintained an extensive security apparatus of police and military units, multiple intelligence services, local "revolutionary committees," "people's committees," and "purification committees." The result was a multilayered, pervasive surveillance system that monitored and controlled the activities and everyday lives of individuals. In theory military and internal security forces were under direct civilian control through the Jamahiriya, or "sovereignty of the masses" system. In practice an inner circle of elites close to Qadhafi wielded total control. The police and ISO shared responsibility for internal security. The armed forces and External Security Service were responsible for external security.

During the conflict and in the 10 weeks after the fall of the regime in October, there was no coherent or effective national police and security force. The collapse of state institutions led to a security and institutional vacuum. The tasks of policing during and after the conflict often fell to self-constituted decentralized militias which often exercised police power largely without training, supervision, or accountability.

There were no known automatic judicial mechanisms for investigating abuses by new postrevolutionary security forces. There were reports that emerging security institutions lacked control in the militia-dominated environment and did not always respond to societal violence.

Arrest Procedures and Treatment While in Detention.—The Qadhafi-era law stipulated that a warrant is required for arrest but that authorities can obtain permission to detain persons without charge for as long as eight days after arrest. The law also specified that detainees be informed of the charges against them and that, for a detention order to be renewed, detainees must be brought before a judicial author-

ity at regular intervals of 30 days. In practice the Qadhafi government did not adhere to these provisions, at times holding detainees indefinitely, arbitrarily, and secretly, without charges or process.

Following the outbreak of the revolution and attendant breakdown of judicial institutions and process, the interim government and opposition forces also arbitrarily detained persons, holding them in formal and informal locations, including unknown locations for extended periods without formal legal charges or legal authority. In some cases orders for arrest came from official or quasiofficial sources. At times during the conflict, the opposition military command or the TNC formed committees that issued orders and warrants to militias for the arrest of certain individuals. One notable example occurred on July 28, when TNC military commander Abdelfatah Younis was arrested under the authority of a TNC committee. He was subsequently killed while in militia custody in Benghazi.

Under Qadhafi the law provided for bail, access to counsel for pretrial detainees, and a public defender for anyone unable to afford a private attorney. The Constitutional Declaration recognizes the right to counsel. During the year the vast majority of detainees by both the Qadhafi and revolutionary forces were not known to have had access to bail or a lawyer.

Incommunicado detention was a severe problem. The Qadhafi government, militias, and post-Qadhafi authorities held detainees incommunicado for unlimited periods in unofficial and unknown detention centers.

Qadhafi-era law allowed women and girls, some of whom were victims of gender-based or domestic violence suspected of violating moral codes, to be detained in "social rehabilitation" facilities. They could be detained indefinitely without access to legal representation or the opportunity to contest their detention in court. Women at these sites could be released only to their families, often the source of the threat to their safety. Following the conflict, it was unclear whether this practice of detention without review was considered legal or continued.

Arbitrary Arrest.—The criminal code under Qadhafi prohibited arbitrary arrest and detention, but the Qadhafi government did not observe these prohibitions. Arbitrary arrest was widespread throughout the year and was employed by Qadhafi authorities and a range of often autonomous armed groups that conducted arrests without legal authority. It was unclear at year's end if the new authorities abided by the Qadhafi government's criminal code.

Qadhafi security services arrested activists, writers, and members of the opposition in the lead-up to planned protests on February 17. For example, on February 1, plainclothes police arrested Jamal Haji, a former political prisoner and human rights activist, in Tripoli after he called online for prodemocracy demonstrations. Authorities justified his arrest on the grounds of an alleged traffic violation. On February 15 in Benghazi, secret police arrested Fathi Terbil, a human rights activist and lawyer coordinating the defense for families of Abu Salim prisoners who had planned a demonstration related to the cases of 100 prisoners whose bodies were never returned.

Anti-Qadhafi groups also conducted widespread arbitrary arrests in the areas under their control. Following the outbreak of the conflict, members of the opposition in Benghazi arbitrarily and extrajudicially arrested suspected Qadhafi loyalists; ISO or revolutionary committee members; people accused of "subverting the revolution"; and sub-Saharan Africans, often migrants, suspected of mercenary activity, according to AI. Militias across the country arrested many migrants in the areas under their control, particularly in Tripoli following its capture by revolutionary forces in August.

While some detainees were released, approximately 8,500 persons remained in detention by the transitional government and prorevolution groups at year's end. Some international organizations claimed that this figure was significantly underestimated. As of year's end, the interim government had not reconstituted the courts or justice system, and very few detainees had access to counsel, faced formal charges, or had the opportunity to challenge their detention before a judicial authority.

Pretrial Detention.—Most persons in detention at year's end had been detained by militia groups without charges and outside of the interim government's authority. Decentralized control of the security environment among militia groups and a largely nonfunctioning judiciary prevented most detainees from accessing a review process, meaning that few detainees were formally held in a pretrial status.

Amnesty.—In a de facto amnesty, opposition troops opened Abu Salim prison while capturing Tripoli in August, releasing hundreds of the Qadhafi government's opponents and political prisoners. In early November the press reported that, on the occasion of Eid al-Adha, the TNC released hundreds of prisoners from facilities

under its direct and indirect control. Those released were primarily Libyan citizens who assisted or fought with Qadhafi forces.

e. Denial of Fair Public Trial.—Qadhafi law and the Constitutional Declaration provide for an independent judiciary and stipulate that every person has a right to resort to the courts, but the judicial system under Qadhafi was not independent in practice and was often subject to interference. As a result of the conflict, the judicial system collapsed. Although the new government pledged to restore judicial functions, at year's end, the judiciary remained largely ineffective and unable to dispense justice. Thousands of persons held in detention had not received a trial, and no investigations had been initiated into alleged abuses by either pro- or anti-Qadhafi groups. In addition, judges cited concerns about the overall lack of security in cities and around the courts as one of the reasons that they had not yet returned to work, further hindering the reestablishment of the judiciary.

Trial Procedures.—The law under Qadhafi and the interim government provides for the presumption of innocence and the right to legal counsel, provided at public expense for the indigent. During the year these standards were generally not respected in practice. Qadhafi security agents and largely independent revolutionary militias detained persons without legal authority, undermining the prospect of fair public trials.

As of year's end, neither the interim government nor the TNC before it had taken known steps to formalize the status of irregularly held detainees or transfer them into the paralyzed legal system. As of year's end, no known criminal trials had been undertaken by the judiciary under the control of post-Qadhafi authorities.

Political Prisoners and Detainees.—Under the Qadhafi government, a large but unknown number of persons were in detention or imprisoned for engaging in peaceful political activity or belonging to an illegal political organization. Political prisoners held in Abu Salim Prison, some for more than 15 years for security-related offenses, were also subjected to disappearance after protests began in February, according to AI. The families of more than 100 such prisoners were unable to establish contact with them from mid-February, but in late August some of these long-term political detainees reemerged once opposition forces took control of Abu Salim Prison (see section 1.d., Amnesty).

The TNC, interim government, and various militias, to the extent that they controlled security forces, held persons in a variety of ad hoc facilities on political grounds, particularly former Qadhafi officials, ISO members, and others accused of "subverting the revolution."

Civil Judicial Procedures and Remedies.—Under Qadhafi citizens did not have access to courts to seek damages for or demand cessation of human rights violations perpetrated by his regime, although in a series of special cases, some released political prisoners were legally able to seek compensation through the court system beginning in 2010. Citizens did not have the right to seek redress in civil court for Qadhafi-era security service actions.

The Constitutional Declaration provides for the right to resort to the judiciary, but the post-Qadhafi judicial system did not have the capacity to provide citizens' access to civil remedies for human rights violations. Under TNC and interim government control, some civil proceedings restarted, albeit unevenly, in different parts of the country.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Qadhafi-era law prohibits such actions, but the government did not respect the prohibitions in practice. Until the fall of the regime in October, Qadhafi security forces regularly entered private homes of those accused of supporting the opposition and seized and hoarded belongings. As revolutionary groups gained territory throughout the conflict, there were also reports of similar behavior by militias. In particular, press reports after the fall of Tripoli in late August suggested a number of breakins and thefts by incoming regional militias, at times targeting suspected Qadhafi supporters.

In addition to maintaining a widespread informant network (see section 1.d.), the Qadhafi government routinely monitored telephone calls and Internet usage, including e-mail communication, reportedly increasing such monitoring prior to the February protests and throughout the conflict. There were no known reports that the TNC or transitional government monitored private communications or had the capacity to do so.

In areas under their control, Qadhafi authorities increased their ongoing policy of collective punishment of relatives of certain individuals, particularly oppositionists. In previous years this often amounted to structural discrimination by curbing access to public utilities or works. During the unrest it included direct intimidation and sometimes arrest of family members. Although the transitional government was not

responsible for such behavior, it was unable to deter militia groups from pursuing reported attacks or discrimination on similar grounds. For example, rights groups reported that militia and armed actors' intimidation and violence against dark-skinned displaced persons from Tawargha, a town from which Qadhafi forces launched their siege of Misrata, which amounted to collective punishment of Tawarghans for attacks by Qadhafi's forces on Misrata during the first months of the conflict (see sections 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The period of broad-scale internal armed conflict lasted from late February, after protests in the East and West escalated into rebellion, until the TNC declared "liberation" of the country on October 23. Beginning in February and March, Qadhafi forces met protesters with excessive and often deadly force (see section 1.a.). Localized opposition activities evolved into an armed conflict by late February, with regular clashes between government forces and armed opposition fighters continuing until October. Opposition fighter groups were often composed of disparate local movements, rather than a cohesive national resistance, which only began demonstrating effective offensive coordination by August. Investigations by the prosecutor of the International Criminal Court (ICC), the U.N.-appointed International Commission of Inquiry on Libya (COI), and international human rights organizations reported evidence of Qadhafi forces' killings, forced disappearances, arrest and imprisonment, torture, persecution of civilians, rape, forcible transfers, intentional restrictions on humanitarian access to afflicted populations, and attacks on civilians. In its attempt to regain areas taken by the opposition, these forces launched a military campaign that included both deliberate killings and indiscriminate use of force, which NGO observers described as widespread and systematic. Prorevolution opposition fighters, many grouped into loosely organized bands and regionally based militias, also engaged in deliberate killings, arbitrary arrest and imprisonment, and other abuses. Abuses by unknown actors also occurred.

Killings.—In its attempts to quell protests, silence critics, and respond to armed opposition, Qahdafi forces failed to take sufficient precautionary measures to protect civilians and in various cases directly targeted civilians with intent to kill, according to various rights groups. In a May 4 report, the ICC prosecutor asserted that the shooting of protesters and persecution of civilians alleged to support the opposition was systematically employed as a matter of policy. The regime's use of force was reported to be disproportionate, according to rights groups, in areas across the country. For example, according to AI reports, regime forces fired live ammunition and heavy weapons, including tank shells and rocket-propelled grenades, at fleeing residents and set up antiaircraft guns in streets, firing at and killing protesters. Such disproportionate force caused deaths from serious injuries, including dismemberment and severing of the torso, according to the COI. In Tripoli and elsewhere, government efforts to cover up evidence of killings by removing bodies from streets and hospitals made confirming the number of deaths difficult.

Qadhafi's campaign of enforced disappearances, which deliberately targeted opposition supporters in addition to arbitrarily targeting civilians, led to extrajudicial killings. Executions of persons held by Qadhafi forces were reportedly common upon withdrawal of Qadhafi forces from areas where opposition troops were advancing. For example, according to a September 14 Human Rights Watch (HRW) report, 34 bodies discovered in a mass grave in al-Qawalish in western Libya, in addition to three others nearby, were likely the bodies of men detained by Qadhafi forces at checkpoints or taken from their homes in early June and executed upon the retreat of Qadhafi forces from the area. Exhumed bodies with bullet wounds were found blindfolded and their hands bound. Local testimonies collected by HRW claimed that identified victims were from the nearby town of al-Qal'a and included at least nine men over 60, including an 89-year-old individual.

The Qadhafi regime's use of snipers on rooftops was widespread, with media reports of snipers deliberately shooting and killing both civilians (including children) and opposition combatants in cities across the country, including but not limited to Adjdabiya, Misrata, Tripoli, and Zawiyah.

Qadhafi forces also used indiscriminate force during the conflict, often in efforts to regain control of opposition-controlled areas, affecting noncombatant residents. According to widespread reporting, Qadhafi forces used imprecise heavy weaponry and munitions, including cluster munitions, rocket launchers, mortars, and artillery shells, to attack dense urban areas in various regions. The use of force in residential areas led to widespread reports of civilian deaths and injuries, including children.

While Qadhafi forces' use of indiscriminate attacks was common across the country, damage was particularly severe in Misrata, which came under siege in February. Qadhafi's forces closed in on the city and attacked the port (which was the

only avenue for humanitarian aid and evacuations), launching indiscriminate rocket attacks on residential areas until May, only to resume in mid-June and sporadically thereafter. The siege led to widespread reports of civilian deaths. Human rights groups also documented other indiscriminate tactics, such as using ball bearings in rockets. Qadhafi forces similarly conducted attacks on Zawia, Zintan, Ajdabiya, and other cities, leading to heavy damage of residential areas and large numbers of civilian deaths.

Since the beginning of the armed conflict, opposition forces—including independent militias and armed protesters—reportedly killed actual and suspected Qadhafi loyalists, sub-Saharan alleged mercenaries, and security force members, as well as persons who were accused of being Qadhafi supporters by virtue of their location or darker skin color. As the conflict progressed, NGOs reported that a pattern of targeted attacks appeared against regime loyalists, including members of revolutionary committees, and Revolutionary Guard and ISA members.

In various instances opposition fighters reportedly killed Qadhafi loyalists and civilians and captured (and sometimes injured) fighters as they advanced on major cities, including Tripoli and Sirte. For example, on August 25 and 26, the media widely reported on the discovery of approximately 30 bodies of Qadhafi fighters in a pro-Qadhafi encampment in Tripoli, two of which had hands bound with plastic handcuffs. Press reports speculated that those killed may likely have been surrendered or captured by pro-Qadhafi combatants. Nevertheless, the scale of killing by opposition forces was less than the scale of killings by Qadhafi forces during the conflict.

Following a firefight on October 20, Misrata fighters detained and later killed Mummar Qadhafi shortly after capture. His son, Muatassim, was also captured and was filmed alive in captivity but later was reported dead in uncertain circumstances. HRW found approximately 95 bodies at the site where Qadhafi was captured; between six and 10 bodies had gunshot wounds to the head and body and had apparently been executed at the site.

On October 23, HRW found 53 bodies, some later identified as civilians and Qadhafi loyalists and some of which showed signs of having been treated for previous injuries before dying, in the Mahari hotel in Sirte. According to HRW, the hotel was under the control of Misrata opposition fighters around the time the killings were estimated to have taken place. The names of five Misrata brigades were written on hotel walls, including al-Nimer, al-Isnad, al-Fahad, al-Asad, and al-Qasbah.

There were additional reports that numerous deaths in custody occurred due to mistreatment. For example, HRW reported that in late August guards at the Zarouq School detention facility in Misrata beat to death Ashraf Salah Muhammad, a mentally ill man from Tawargha, in an attempt to learn a password for a radio.

Opposition fighters, with fewer and more selectively targeted weapons, also reportedly engaged in indiscriminate attacks during combat, albeit on a more limited scale. Information remained sparse on opposition militias' activities in this regard, although anti-Qadhafi forces launched Grad rockets around Dafniya, Misrata, Sirte, and possibly Tawargha, according to AI.

The discoveries of multiple mass graves across the country, particularly in the capital, indicated that deliberate killings were widespread, yet in many cases identifying the specific individuals responsible was difficult. Following the capture of cities in the West, opposition forces discovered several mass graves containing remains dating from the conflict as well as prewar graves. On October 6, for example, a mass grave thought to contain an estimated 200 bodies was found in Gargarish, on the coast just north of Tripoli, according to media reports. Unidentified and sometimes bound corpses found across Tripoli, including in hospitals following the seizure of the city by the opposition, were attributed to killings by regime or opposition forces, depending on the source of the reporting.

Abductions.—Information was lacking about the whereabouts of persons who disappeared during the fighting or were abducted and detained when Qadhafi forces retreated from areas. While scores of persons disappeared due to alleged support of the opposition or participation in protests, others disappeared when Qadhafi forces in reprisal campaigns arrested and enforced disappearances of adults and children on the street, at mosques, and during home raids, such as in Misrata, Zawiya, and Zuwara, according to rights groups. Family testimonials to the international NGO Physicians for Human Rights (PHR) reported that Qadhafi forces kidnapped, raped, and held girls and women, sometimes for days at a time. It was unclear at year's end if kidnapped persons were killed, held for ransom, or later released. Other civilians disappeared after leaving opposition-held areas, often when attempting to travel to purchase basic necessities.

Opposition forces detained civilians, including sub-Saharan migrants and Qadhafi loyalists, often arbitrarily and without legal authority, and transported detainees

when forces moved between locations during and after the conflict. Following the seizure of Tripoli, some opposition forces pursued an informal campaign of arresting and holding hostage migrant workers, including women, on the grounds that they were suspected Qadhafi loyalists or mercenaries. They were held in a range of informal facilities in the capital, including schools, and many had been released by year's end.

Other Conflict-Related Abuses.—Civilians, including foreign nationals, were vulnerable to abuses by both Qadhafi and opposition forces, including arbitrary detention and torture. Civilians were reportedly subject to different forms of mistreatment and attack by Qadhafi forces because of their suspected association with the uprising. A campaign of systematic arrests, torture, killings, deportations, enforced disappearances, violence, and rape was reported across the country that did not discriminate between civilians and fighters. Victims were civilians allegedly participating in demonstrations or supporting opposition fighters, activists, or journalists; those who communicated with foreign journalists; and some migrant workers who were forcibly expelled. Thousands of civilians, including children, were violently abducted from the streets, homes, and mosques. Their whereabouts remained unknown, often until they escaped or were freed. Some of these "disappeared" persons appeared on television "confessing" to membership in al-Qaida or acting against regime interests.

Violence against civilians was particularly harsh after Qadhafi forces recaptured towns and appeared to enforce a policy of collective punishment.

Media and human rights groups reported that both sides stirred a climate of racism that increased the vulnerability of sub-Saharan nationals and dark-skinned civilians, including violent attacks, robbery, beatings, and abuses such as sexual violence. Following the outbreak of violence, for example, Qadhafi claims that the opposition forces were supported by sub-Saharan African mercenaries led to widespread media reports of attacks on sub-Saharan workers in Tripoli.

Opposition fighters and supporters reportedly abducted, arbitrarily detained, tortured, and killed former and suspected Qadhafi loyalists, government officials, and foreign nationals, including civilians, suspected of being mercenaries. In February groups of protesters assaulted, captured, and raided homes of sub-Saharan African and Libyan civilians in eastern and central parts of the country, including al-Bayda, Benghazi, Derna, and Misrata. The number of such victims, including deaths, was difficult to corroborate due to local reluctance to disclose details of the attacks to rights groups, yet many victims reportedly wore civilian clothing. Some militias were responsible for widespread arbitrary arrests that took place. The number of reported attacks and arbitrary arrests decreased following the opposition's early victory in the East but spiked again following the capture of Tripoli. Incidents continued intermittently throughout the year.

There were sporadic reports that opposition forces attacked some civilians when taking new areas. In mid-June and July, opposition fighters gaining Qadhafi-held territory in the West attacked property, including homes and hospitals, and beat some individuals alleged to have supported government forces in al-Awaniya, Rayayinah, al-Qawalish, and Zawiyat al-Bagu, according to HRW. In October HRW reported on increased looting, detentions, and abuse as opposition fighters increasingly took control of Qadhafi strongholds, claiming that the opposition did not take sufficient measures to protect civilians.

There was widespread mistreatment of detainees arrested by Qadhafi forces. Victims were held outside the protection of the law, denied outside contact, and were particularly vulnerable to abuse. After opposition forces captured Tripoli and Sirte, where Qadhafi forces transferred scores of persons detained in different parts of the country, testimonies from released detainees gave consistent reports of severe mistreatment in captivity, some of which amounted to torture. Evidence of torture among dead detainees was documented by human rights groups in various parts of the country. There were various reports of forced confessions, abuse during interrogation, burying detainees in underground cells, and detainees shot in the foot. Abuses took place in formal prisons and other converted spaces such as schools, warehouses, and in some cases, shipping containers.

Opposition groups also engaged in detainee abuse. Treatment varied widely from location to location, and abuse was not necessarily systematic. There were reports in March and April of abuse of captured security service members and civilian detainees, including perceived Qadhafi loyalists, sub-Saharan Africans, and dark-skinned Libyans, in the East in addition to their being held in poor and overcrowded facilities. Violence, including beating, was common at the time of capture, particularly for Qadhafi fighters caught on the battlefront, but treatment in detention varied. Bodies of Qadhafi fighters found with serious injuries, including near Zintan in

July, suggested that opposition fighters in some instances engaged in abuses such as stripping, electrocution, decapitation, and beating.

Misrata milita members reportedly violently abused detainees from Tawargha, a town near Misrata with a population of primarily dark-skinned Libyans, due to allegations that they were complicit in Qadhafi's attacks and mistreatment of Misrata's population during a two-month onslaught, which included reported rapes and killings.

Allegations of rape as a tactic of war by Qadhafi forces were widespread. On March 28, Iman al-Obeidi, a woman who said she was held by Qadhafi soldiers and raped over consecutive days, appeared at a Tripoli hotel to share her story with foreign journalists. The Qadhafi government responded to her allegations by publicly stating al-Obeidi was unstable, drunk, and potentially a prostitute. On May 19, the BBC reported the first widespread incidence of rape as Qadhafi forces retreated from Misrata. The ICC prosecutor's report called for investigations into reports that Qadhafi's forces used rape as a matter of policy. The PHR later documented evidence of military-sanctioned rape in Misrata.

Some opposition forces reportedly engaged in rape, allegedly in retaliation for widespread use of rape by Qadhafi forces, but often in circumstances where witnesses did not come forward to identify a perpetrator.

The use of land mines by Qadhafi forces without measures to prevent civilian casualties was widespread during the conflict, including in civilian and residential areas. The COI reported that such use of mines was indiscriminate. Mines identified by HRW and other groups in at least six locations included antipersonnel, antivehicle, and antitank mines as well as plastic mines. HRW reported that forces did not mark, monitor, or map minefields in cases of hand-planted mines near Ajdabiya and antipersonnel mines in Misrata. In addition, parachute Type 84 Model A (antivehicle) mines were remotely launched into Misrata's port via Grad rockets, scattering mines across a wide area of the port and preventing the delivery of humanitarian aid, according to HRW. Qadhafi forces were similarly observed planting sea mines in the Misrata harbor. At year's end, there was no evidence that Qadhafi forces recorded the use of such scattered mines. There were no known reports of opposition forces using landmines.

The restriction of relief supplies and humanitarian aid to isolated populations was a result of both intensive fighting and deliberate attempts by Qadhafi forces to restrict assistance to vulnerable populations. For example, heavy fighting in Zintan in late May forced humanitarian organizations to temporarily withdraw. Qadhafi forces additionally restricted humanitarian access, including medical aid and delivery of key items indispensable to the survival of the civilian population, in particular during their siege of opposition-held territory in the Western Mountains, including Zintan and Misrata.

There were widespread reported violations by Qadhafi forces of medical neutrality during the conflict, in addition to attacks on health care workers, patients, ambulances, and medical facilities. By March the PHR reported incidents of armed men storming and shooting in medical facilities, attacks on medical professionals, disappeared patients, secret disposal of bodies from hospitals, gunmen using ambulances to fire on protesters, denial of medical staff and supplies, and cases where the injured were shot dead instead of being taken to hospitals. The COI reported that pro-Qadhafi forces entered Zawiya hospital to arrest patients with gunshot wounds (on the assumption that they were opposition fighters) and their doctors.

Opposition forces also violated principles of medical and humanitarian neutrality. In July opposition forces looted medical equipment and vandalized medical facilities in the formerly Qadhafi-held areas in Rayayinah, al-Awaniya, and Zawiyat al-Bagul in the West. Although there were reports that doctors tended to treat both opposition and Qadhafi fighters, on October 10, HRW reported that the "Kilometer 50" field hospital west of Sirte had a policy of treating only opposition fighters and not injured Qadhafi loyalists or civilians. Denial of medical care by prorevolution doctors was not systematic, according to the PHR's observations.

Throughout the conflict Qadhafi forces concealed tanks and heavy armor near civilians and civilian objects and in urban areas, including in Misrata, in what rights groups claimed was a deliberate attempt to use human shields as cover. For example, the PHR reported eyewitness accounts that, in April and May, Qadhafi troops forcibly detained 107 civilians south of Misrata for use as human shields to guard munitions. There were no known reports of opposition forces using human shields.

Civilians were forcibly displaced for reasons other than military necessity. In late March, in a campaign of shelling and violence against civilians in Misrata, Qadhafi troops forced thousands of people from their homes. In August violent activity and arbitrary arrests by Misrata militias in Tawargha led many Tawarghan civilians to flee the town, which had been previously used by Qadhafi forces as a base for at-

tacks on Misrata. There were reports, including by the U.N. high commissioner for refugees, of armed men going door to door in the opposition-held East in early March in an attempt to force persons suspected of being sub-Saharan Africans to leave the country. The identities of the perpetrators could not be confirmed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—Under Qadhafi, the law provided for freedom of speech "within the limits of public interest and principles of the [1969] Revolution," but in practice freedom of speech and press was severely limited and censored, particularly criticism of government officials or policies. There were provisions in the penal code that criminalized "insulting public officials." The Constitutional Declaration provides for freedoms of opinion, expression, and the press, all of which the new postrevolution authorities generally respected.

Freedom of Speech.—Freedom of speech was limited in law and practice under Qadhafi; the penal code provided life imprisonment for undermining the country's reputation and the death penalty for anyone who advocated changing the principles of the Qadhafi-era law or his political, economic, and social structures, which effectively prohibited all political activities and expression. The Qadhafi government enforced these provisions through widespread arrests of known online activists and government critics calling for protests in February (see section 1.d.). The TNC and subsequent interim government did not restrict freedom of speech.

Freedom of Press.—Before the uprising the government censored, scrutinized, and controlled the media; newspapers often published articles provided by the state verbatim. As early as late February, the Qadhafi regime jammed independent broadcast media. It also restricted foreign journalists' ability to cover the unrest in areas under its control by requiring escorts and expelling foreign correspondents. The TNC and the successor interim government generally accommodated freedoms of expression, including online.

Violence and Harassment.—In an attempt to stifle coverage of the unrest, from mid-February Qadhafi forces led a campaign of severe harassment of journalists, including abductions and detentions, violence, and movement restrictions. For example, on March 18 and 21, respectively, proregime gunmen in Benghazi shot and killed Ali Hassan Jaffer, a Qatari cameraman for al-Jazeera, and Mohammed Nabbous, a Libyan and founder of news channel Libya al-Hurra. Throughout the conflict in Tripoli, Qadhafi forces effectively detained foreign journalists at the Rixos Hotel, selectively limiting their movement and access to sites in order to influence their reporting. Other journalists were injured, captured, and in some instances killed on the front lines or traveling between conflict areas.

Censorship or Content Restrictions.—The Qadhafi government effectively censored all media and restricted criticism, which was in part made possible by its ownership and control of virtually all print and broadcast media.

Actions to Expand Press Freedom.—The TNC and interim government promoted a climate of free expression, provided for in the Constitutional Declaration, setting up a committee with the goal of establishing a climate favorable to a free press. The number of media outlets grew in the country. For example, as of May, 60 new print publications had been registered with the Benghazi Municipal Council.

Internet Freedom.—A single government-owned service provider offered Internet access. The Qadhafi government actively attempted to impede the flow of information within, to, and from the country by cutting landlines and restricting the Internet and all other forms of communication. As of year's end, communications infrastructure had been largely restored to prerevolution levels, with functioning but inconsistent cellular telephone and Internet services.

Academic Freedom and Cultural Events.—The Qadhafi government severely restricted academic freedom. The TNC's Constitutional Declaration specifically provides for freedom of scientific research. Following the end of the conflict, academics with a background studying or teaching Qadhafi's "Green Book" ideology faced discrimination.

There were no known restrictions on cultural events under the new government. Amazigh communities, particularly in the West, were able for the first time in 42 years to use their language in public communications.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for peaceful assembly with prior approval, but in practice under Qadhafi peaceful meetings or demonstrations were generally allowed only when they were in support of the government. In April the ICC prosecutor reported evidence that officials planned to control demonstrations by using tear gas before resorting

to shooting. Security forces responded to protesters in February and March with lethal violence, injuring and killing scores of peaceful civilians in addition to some armed protesters, many of which were reportedly security force defectors (see sections 1.a. and 1.g.).

While the TNC and interim governments respected freedom of assembly, autonomous militias clashed violently with pro-Qadhafi protesters, for example, on December 28 in Tarhouna.

Freedom of Association.—The Qadhafi government severely restricted the right of association and generally allowed only institutions affiliated with the government to operate. In areas under control of the opposition, which included the entire country by the end of October, the TNC and interim government respected and promoted freedom of association. The Constitutional Declaration included freedom of association for political and civil society groups. Libyans founded hundreds of self-styled NGOs, some of which supported the war effort. Other NGOs took on political colorings. The new government tolerated the emergence of nascent political groups and self-described parties.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—Both Qadhafi-era law and the Constitutional Declaration recognize freedom of movement. However, both parties to the conflict restricted freedom of movement.

The Qadhafi government allowed the Office of the U.N. High Commissioner for Refugees (UNHCR) to operate on a limited basis and provide some services but generally did not cooperate with it or other humanitarian organizations. The UNHRC operated throughout the conflict and provided services to refugees, returnees, and IDPs. The new government generally cooperated with the UNHRC and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement.—The Qadhafi government generally did not restrict freedom of movement within the country, apart from conflict zones. In-country movement became more dangerous as a result of the conflict, and after the conflict ended in October some autonomous militias imposed barriers to movement.

Foreign Travel.—Under the Qadhafi regime, freedom to travel outside the country was at times restricted by the arbitrary seizure or nonissuance of passports.

Internally Displaced Persons (IDPs).—As many as 240,000 citizens were internally displaced at the height of the conflict, as well as approximately 500,000 foreign workers. By the end of the year, all but 65,000 citizens had returned home. Very few of the foreign workers returned to the country. The entire town of Tawargha, containing 35,000 citizens, was displaced following the fall of the Qadhafi regime after Tawarghans faced Misrata militia violence for having served as a base for Qadhafi forces' siege of Misrata earlier in the year. Most Tawarghans remained displaced at year's end. More than 30,000 citizens and migrants from cities that experienced heavy fighting, including Ajdabiya, Sirte, Misrata, Bani Walid, and Ras Lanuf, also remained displaced. The U.N., ICRC, and NGOs provided assistance to IDPs during and after the conflict. The TNC and interim government did not have the capability to promote the safe, voluntary return, or resettlement of IDPs, nor were there adequate laws and policies in place to assist them.

IDPs were vulnerable to abuses, such as armed attacks, widespread arbitrary detention, trafficking, forced labor, and reported gender-based violence, from some militia forces or other armed groups. For example, at Sidi Bilal Port outside of Tripoli, there were reports in October that an estimated 450 sub-Saharan Africans were isolated and vulnerable, unable to reintegrate into the community due to fear of discrimination and violence. Refugees International reported that women were targets of sexual violence at the port and that local groups harassed men, accusing them of mercenary activity. On about October 23, armed men shot two sub-Saharan African men at the port. Local leaders were unwilling or unable to provide alternative sites for the migrants.

Additionally, IDPs from tribes known to be loyal to the Qadhafi government, such as the Tawargha, Qawalish, and Mesheshiya, faced harassment, violence, intimidation, and discrimination. Opposition forces in Misrata arbitrarily arrested hundreds of Tawarghan IDPs, including women and children, and transferred them to detention in nearby Misrata, where rights groups and humanitarian reported there was serious mistreatment and torture.

The Qadhafi government responded to conflict-induced displacement in areas under its control, such as Tripoli, Zlitan, al-Khums, and Gharian, by temporarily

housing some IDPs in hotels, dormitories, and private homes, according to humanitarian organizations. There were no known efforts or policies to address permanent resettlement.

Informal local coordination structures among the prorevolution population emerged during and after the conflict to address various humanitarian challenges, including the displaced population. The transitional government's efforts to address permanent resettlement had not begun by year's end.

As of year's end, the TNC and interim government had not begun to address questions concerning laws and policies to protect IDPs in accordance with the U.N. Guiding Principles on Internal Displacement.

Protection of RefugeesPrior to the conflict the UNHRC had registered an estimated 9,000 refugees from the Palestinian territories, Iraq, Sudan, Somalia, and other African countries, and identified approximately 3,700 asylum seekers in the country. Many registered refugees and asylum seekers fled to Tunisia, Egypt, and Europe during the conflict. As of year's end, the UNHRC office in Libya could not verify the numbers and nationalities of those who remained.

More than 100,000 citizens and as many as 500,000 migrant workers fled the country during the conflict. By year's end nearly all citizens had returned, but only a negligible number of nonspecialized migrant workers had returned.

The U.N. estimated that as many as 34,000 Syrians arrived in Libya beginning in May. The UNHRC found that many were fleeing general and targeted violence in Syria in addition to seeking economic opportunities in Libya. Only approximately 1,000 Syrians opted to register as refugees with the UNHRC.

Access to Asylum: Neither the Qadhafi government nor the new transitional government established a system for providing protection to refugees or asylum seekers. The Constitutional Declaration recognizes the right of asylum and forbids repatriation of asylum seekers. Asylum seekers were not legally recognized as a class distinct from migrants in the country without residency permits. As such, refugees and asylum seekers were subject to laws pertaining to irregular migrants and were regularly held in detention. While the flow of persons across the border continued throughout the conflict, there were reports that hundreds to thousands of sub-Saharan Africans entered the country illegally near year's end.

Refugee Abuse.—Some refugees faced abuses including killings, arbitrary detention, attacks on camps, and gender-based violence. Detention of sub-Saharan African refugees and migrants increased significantly after the fall of the Qadhafi government, when revolutionary forces rounded up and detained scores of sub-Saharan Africans on suspicion that they supported the Qadhafi regime or were complicit in abuses during the conflict. While the new government and affiliated militias subsequently released several thousand detainees, estimates of sub-Saharans detained in scattered detention sites ranged from 1,500 to 2,500 at year's end. The UNHRC, ICRC, and International Organization for Migration (IOM) were able to access many detention sites and provided basic assistance. Most detainees were not officially charged and had no access to review and judicial processes.

In August an assessment team of several humanitarian agencies found 3,000 to 4,000 sub-Saharan African migrants living in poor conditions in a camp, lacking basic services, including sufficient health care, near the town of al-Kufrah and reportedly having been subjected to physical abuse. In September humanitarian organizations reported that the living conditions for migrants camped outside Tripoli were very poor, with migrants reportedly lacked access to food, water, shelter, and medical care. Fear of violence of harassment caused migrants to avoid leaving the camp to collect necessary supplies.

Stateless Persons.—By law citizenship is derived from birth in country or from a citizen parent; there are naturalization provisions for nonnationals.

The UNHRC identified as many as 25,000 primarily nomadic Tuareg in the southwest who had been living in the country for several decades but held no citizenship documentation. The UNHRC estimated that the number of potentially stateless Tuareg could be as high as 100,000.

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

Under Qadhafi the country did not have a constitution, and there were no legal means for the people to change their government. Antigovernment groups took up arms against the government in a civil war that, after eight months, resulted in Qadhafi's fall and a political transition. A temporary Constitutional Declaration and road map for political transition guided the interim government's activities. The declaration, which defines the country as a democratic state deriving authority from the people, provides for a range of political, civil, and judicial liberties.

Elections and Political Participation.—Recent Elections.—The Qadhafi-era "Jamahiriya" system of government included indirect elections for a layered pyramidal structure of committees. The most recent elections, held in 2009, were heavily influenced by Qadhafi's inner circle and the Revolutionary Committees and ultimately had no influence on the governance of the country, which was tightly controlled by Qadhafi. By the end of the year, the TNC was preparing to hold nationwide elections in June 2012.

Political Parties.—The Qadhafi government prohibited the creation of and membership in political parties. However, the TNC and interim government promoted freedom of political parties, associations, and other civil society organizations in the Constitutional Declaration and in practice. At year's end, political groups were in the process of formation under the interim government.

Participation of Women and Minorities.—The 51-member TNC had one female member, and the interim government had two women among the 24 ministers. Five Amazigh members of the TNC boycotted the government swearing-in ceremony to protest that no Amazigh were named to ministerial positions.

Section 4. Official Corruption and Government Transparency

Laws stipulating criminal penalties for official corruption are unclear and were inconsistently applied under Qadhafi, when officials regularly engaged in corrupt practices with impunity. The transitional government and citizens called for prosecutions of Qadhafi regime officials' corruption.

The Qadhafi-era law did not provide for financial disclosure by public officials or public access to government information, but popular demands for accountability and transparency from the interim government prompted it to pledge that it would pursue open practices, such as publicly disclosing budgets and oil contracts.

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

Under Qadhafi the government prohibited the establishment of independent human rights NGOs, and none operated in country. The TNC and interim government were receptive to international and local human rights organizations and were responsive to international observers.

U.N. and Other International Bodies.—The new authorities generally cooperated with U.N. bodies, including human rights components of the United Nations Support Mission to Libya. However, as of year's end, the UNHRC had not secured a memorandum of understanding from the interim government that would allow it to expand its activities.

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

Qadhafi-era law prohibits discrimination based on race, sex, religion, disability, or social status. The Qadhafi government did not enforce these prohibitions effectively, particularly with regard to women and minorities. The Constitutional Declaration contains clear references to equal rights, stating that all citizens are equal before the law in enjoying civil and political rights, equal opportunities, and the duties of citizenship without discrimination on the basis of religion, sect, language, wealth, sex, descent, political views, social status, or regional, family, or tribal affiliations.

Women.—Rape and Domestic Violence.—Under Qadhafi, the law prohibited domestic violence, but there was scant information on the penalties for violence against women. The law criminalized rape. A convicted rapist must marry the victim, with her agreement, or serve a prison term of as long as 25 years. In previous years rape victims who failed to meet high evidentiary standards reportedly could face charges of adultery, according to HRW. The law did not address spousal rape. The PHR and other groups reported that Qadhafi forces systematically raped female civilians during the siege of Misrata (see section 1.g.).

Harmful Traditional Practices.—In August the PHR reported that a father killed his three daughters (ages 15, 17, and 18) in Tomina, near Misrata, after they were raped. The PHR reported that persons with knowledge of honor killings in the country claimed that the practice had "a strong foothold" and that, in previous years, those convicted of such killings sometimes received reduced sentences.

Sexual Harassment.—The law criminalizes sexual harassment, but there were no reports on how or whether this law was enforced under the Qadhafi or new governments.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. In previous years, virtually all births took place in hospitals, and more than 90 percent of moth-

ers received pre- and postnatal care. The conflict caused a decrease in available skilled medical personnel, as many expatriate medical workers fled the country, which likely affected women's access to sufficient care during childbirth.

Discrimination.—The law under Qadhafi granted women equality, but in practice societal discrimination against women continued. Sharia (Islamic law) governs family matters, including inheritance, divorce, and the right to own property. The TNC's guiding Constitutional Declaration states that citizens are equal under the law and includes prohibitions on gender-based discrimination.

In some rural areas societal discrimination restricted women's movements, even to local destinations, and impaired their ability to play an active role in the workplace.

The government was the largest employer. Civil service salaries were set according to education and experience. Women and men with similar qualifications were paid at the same grade for positions that were substantially similar. The private sector did not formally discriminate on the basis of gender for access to employment or credit, although women tended to earn less than men for similar work.

Children.—Birth Registration.—Citizenship is derived from either parent or birth in country. Under the Qadhafi government, births were registered in a government-issued family book.

Education.—The conflict disrupted the school year for thousands of students across the country; while school continued in some areas such as Tripoli, in other areas schools were not open. Schools partially reopened in September and October; however, many remained empty due to lack of materials, damage, or security concerns.

Qadhafi-era law imposed high fees on noncitizens enrolled in primary and secondary schools. In previous years the U.N. Human Rights Council noted that schools discriminated against children born out of wedlock.

Sexual Exploitation of Children.—There was no known information available on penalties for the commercial sexual exploitation of children, the minimum age of consensual sex, and whether any laws prohibit child pornography.

International Child Abductions.—The country was not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There was reportedly no resident Jewish population. There were examples of anti-Semitism during the year. In October, protests in Tripoli called for the deportation of a Jewish activist who had returned to Libya with the intent of restoring Tripoli's synagogue. Some protesters' signs read, "There is no place for the Jews in Libya," and "We don't have a place for Zionism."

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The Qadhafi-era law provided for the rights of persons with physical, sensory, intellectual, and mental disabilities and provided for monetary and other types of social assistance. In addition a number of organizations provided services to persons with disabilities. Few public facilities had adequate access for persons with physical disabilities, resulting in restricted access to employment, education, and health care. There was limited access to information or communications.

The conflict caused injuries and disabilities among fighters and civilians, including children maimed by mortar or gunfire or injured due to remaining unexploded ordnance. The interim government made efforts to set up mechanisms to address issues among the war-wounded, including the evacuation of large numbers of injured to hospitals in other countries. Several international aid organizations operated in the country clearing land mines and the explosive remnants of war.

National/Racial/Ethnic Minorities.—Arabic-speaking Muslims of mixed Arab-Amazigh (Berber) ancestry constituted 97 percent of citizenry. The principal minorities were Amazighs, Tuaregs, and Toubou. These minority groups are predominantly Sunni Muslim but identify with their respective cultural and linguistic heritage rather than with Arab traditions. Several nomadic groups live in areas along the country's desert borders, including Tuareg and Toubou. The country was home to an estimated 1.5 million to two million foreign workers and undocumented migrants, many of whom fled or were displaced during the conflict. Of those, nearly one million were thought to be of Sahelian or sub-Saharan African origin.

Under Qadhafi, Arabic was declared the only official language, and the regime denied the existence of non-Arab citizens. Amazigh people faced discrimination, including limitations on the use of their native language. Amazigh fighters participated in the revolution and were able to publicly use Amazigh symbols and the alphabet.

At year's end, they pursued fledgling efforts to advocate for equal protections for Amazigh culture and language.

There was societal discrimination and violence against dark-skinned Libyans, including those of original sub-Saharan descent, in part due to allegations that Qadhafi used African mercenaries during the conflict.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Under Qadhafi the government deemed lesbian, gay, bisexual, and transgender (LGBT) orientation illegal, and official and societal discrimination against LGBT persons persisted during the year. The Qadhafi-era penal code made consensual same sex sexual activity punishable by three to five years in prison. The law provided for punishment of both parties.

No public information was available on societal discrimination on the basis of sexual orientation or gender identity. There were no known reports of legal discrimination based on sexual orientation or gender identity in employment, housing, or access to education or health care.

Citizens tended to hold negative views of LGBT persons, and homosexuality was socially stigmatized. Sexual orientation or gender identity occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. In previous years there were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity.

Other Societal Violence or Discrimination.—There were no known reports of societal violence toward persons with HIV/AIDS. In previous years there were reports of societal stigmatization of persons with HIV/AIDS, due to an association of the disease with drug use, sex outside marriage, and homosexuality. No information was available about the effects of the conflict on persons suffering from HIV/AIDS. However, the fighting generally restricted the provision of medical supplies and antibiotics in addition to prompting the departure of many foreign national medical staff from the country. There were reports that detainees suspected of having HIV/AIDS were segregated from the rest of the detainee population, often in overcrowded spaces, and were the last to receive medical treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—Under Qadhafi workers were prohibited from forming and joining independent unions, which were banned. Collective bargaining was also restricted, as all collective agreements had to conform to the "national economic interest." Strikes could be called only after all conciliation and arbitration procedures had been exhausted. The government or one of the parties could demand compulsory arbitration, thus severely restricting strikes. The government had the right to set and cut salaries without consulting workers. Union workers were not well protected against antiunion discrimination.

Freedom of association and the right to collective bargaining were nonexistent under Qadhafi. Although trade unions had existed officially for more than 25 years, union membership was limited to citizens. Furthermore, all workers were automatically members of the General Trade Union Federation of Workers, which was sponsored by the Qadhafi government. They could elect to withdraw from the union.

Under the TNC and interim government, the status of unions, strikes, and employment law was not clear. During the 10 weeks that the TNC interim government was in control of the entire country, there were sporadic reports of strikes by professional groups, such as teachers and lawyers, who used strike as a method to protest political policies and actions. The TNC and interim government did not take any actions to prevent or hinder these strikes.

Since February there were reports of migrant workers held hostage by their employers after going on strike demanding their pay. In a case involving Nepalese workers, neither the new government nor the official trade unions provided assistance to the migrants, who were eventually assisted by the IOM.

b. Prohibition of Forced or Compulsory Labor.—The Qadhafi-era law prohibited all forms of forced or compulsory labor. There were numerous reports of forced labor by migrant workers, for example Filipinos, Indians, and sub-Saharan Africans, in the construction and domestic sectors after they were smuggled into the country. During the conflict there were reports that both Qadhafi government fighters and militias forced migrants into participating in fighting; the extent of the practice was unknown. The IOM reported that migrants in IDP camps and transit centers controlled by militias or armed groups were subject to forced labor and trafficking.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—Qadhafi-era law prohibited children younger than 18 from being employed, except when in a form of apprenticeship. No information was available concerning whether the law limited working hours or sets occupational health and safety restrictions for children. Under Qadhafi the General People's Committee for Manpower, Employment, and Training was responsible for enforcing laws on child labor. At year's end it was not clear whether the interim government had the capacity to enforce these laws or which agency would be responsible for doing so.

There was no information available on the prevalence of child labor or the effect that the conflict had on the practice.

d. Acceptable Conditions of Work.—The minimum wage was 250 dinars (approximately $200) per month. Although some public sector employees, such as professors, received pay increases in recent years, a freeze imposed more than a decade before continued to depress earnings. The Qadhafi government paid an additional pension of 90 dinars ($72) for a single person, 130 dinars ($104) for a married couple, and 180 dinars ($144) for a family of more than two. The interim government generally continued these payment practices, except when wages were frozen for periods during the conflict. The government heavily subsidized rent and utilities, and government workers received an additional 130 dinars ($104) per month for food staples during the year. One-third of Libyans lived below the poverty line.

The legal workweek was 40 hours. Under Qadhafi, the law stipulated the standard working hours, night shift regulations, dismissal procedures, and training requirements. The law did not specifically prohibit excessive compulsory overtime.

The Qadhafi government set occupational health and safety standards. The Qadhafi-era law granted workers the right to court hearings regarding these standards and provided workers with the right to remove themselves from unhealthy or unsafe working conditions without jeopardizing their employment.

Under Qadhafi, labor inspectors were assigned by municipal governments to inspect places of work for compliance with government-defined health and safety standards. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information on whether workers could remove themselves from an unhealthy or unsafe work situation without jeopardizing their employment. There was no information available on whether inspections continued during the conflict.

While the 2006 census counted 349,040 foreigners resident in the country, observers and diplomatic missions with large migrant populations in the country estimated that the preconflict number of undocumented workers was between 1.5 and two million. Although foreign workers reportedly constituted more than 20 percent of the workforce, the labor law applies only to legal foreign workers who have work contracts, which were a fraction of the total. Contracts, generally written in Arabic, were required for the hiring business to sponsor the worker for a visa, yet such contracts were rare and generally used only if the business was closely monitored or regulated by the Qadhafi government.

Under Qadhafi, authorities permitted foreign workers to reside in the country only for the duration of their work contracts, and workers were prohibited from sending more than half of their earnings to their home countries. There was no information on whether the interim government enforced these regulations. However, there were reports that, by year's end, it had become difficult for migrants to acquire work permits.

Foreign workers were subject to arbitrary pressures, such as changes in work rules and contracts, and had little choice other than to accept such changes or depart the country. This was especially true during the conflict, when many foreign workers fled the country and others were detained in temporary camps.

MOROCCO

EXECUTIVE SUMMARY

Morocco is a monarchy with a constitution, under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king may dismiss ministers, dissolve parliament, and call for new elections. International and domestic observers judged that the November 25 parliamentary elections were credible and relatively free from government-sponsored irregularities. Security forces reported to civilian authorities.

Beginning in the spring, the country underwent a four-month constitutional reform process. In a March 9 speech, the king outlined the guidelines for the new con-

stitution. A commission of experts whom he appointed wrote it, with input from an "accompanying mechanism" coordinating with political parties and numerous nongovernmental organizations (NGOs), associations, and individuals. The king presented the text publicly on June 17, and the populace adopted it in a referendum on July 1. This new document safeguards the essential powers of the king as the supreme arbiter among political forces, while marginally increasing the authority of parliament. The new constitution made significant steps in codifying civil liberties and advancing gender parity. Arab Spring-inspired social upheaval was relatively mild, although a new protest movement emerged, the February 20 Movement, that staged near-weekly peaceful demonstrations across the country to demand political, economic, and social reforms as well as an end to government corruption, to which the government sometimes responded with excessive force (see below).

The most significant, continuing human rights problems were the lack of citizens' right to change the constitutional provisions establishing the country's monarchical form of government, arbitrary arrests, and corruption in all branches of government.

Other human rights problems reported during the year included police use of excessive force to quell peaceful protests, resulting in dozens of injuries and at least four deaths; torture and other abuses by the security forces; incommunicado detention; poor prison and detention conditions; political prisoners and detainees; infringement of freedom of the press; lack of freedom of assembly; lack of independence of the judiciary; discrimination against women and girls; trafficking in persons; and child labor, particularly in the informal sector.

There was a problem of police and security force impunity, but the government took steps to address the issue.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the government or its agents committed arbitrary or unlawful killings. On February 20, five protesters died in a bank fire in Al Hoceima. Security officials said that the five were among a large group engaged in vandalism and robbery when the fire broke out, but human rights NGOs and family members alleged police brutality and a cover-up. In addition, NGOs and the February 20 Movement alleged that two other protesters died during protests as the result of police officers' use of excessive force. Authorities denied those charges but opened investigations in both cases.

Kamal Ammari, a participant in a February 20 Movement demonstration in Safi, was severely injured in clashes with police on May 29 and died four days later. Officials initially denied responsibility but later declared the cause was a severe respiratory illness. Ammari's family, domestic and international human rights NGOs, and eyewitnesses challenged the government's version of events, alleging that he died as a result of police beatings. The National Council for Human Rights (CNDH), created and funded by the government, which succeeded the Consultative Council on Human Rights (CCDH) on March 1, conducted an investigation but did not release conclusions. Additionally, Karim Chaib, a protester in a demonstration on February 20 in Sefrou, was injured severely when security forces violently dispersed the crowd. He died on February 23, allegedly from wounds sustained during this police crackdown. No results were available in either investigation by year's end (see section 2.b.).

There were no charges filed resulting from a continuing investigation into the September 2010 death after two days of imprisonment of Fodeil Aberkane following an altercation with police. Authorities were investigating one police officer and five guards, three of whom were in pretrial detention.

b. Disappearance.—The country's penal code requires security forces to inform a detainee of charges and inform the detainee's family of his or her whereabouts within 48 hours. The antiterrorism law provides an exception to this rule by permitting authorities to detain suspects without informing their families for up to 96 hours. This initial detention period may be renewed twice—with the written authorization of the prosecutor—up to a total detention time of 12 days. In addition authorities may prevent communication between the detainee and his/her lawyer for up to two days after the initial four-day detention expires (see section 1.d.).

The government stated that it followed the law in all cases and that there were no cases of disappearance. However, the domestic NGO the Moroccan Association for Human Rights (AMDH), the international NGOs Human Rights Watch and Amnesty International, and the Party of Justice and Development (PJD), an Islamist-oriented political party, claimed that in several cases from 2010, authorities did not follow the provisions of the penal code or the antiterrorism law and that prolonged periods in unknown locations amounted to disappearances in these cases.

During the year the PJD, the February 20 Movement, and several domestic human rights NGOs mounted a public campaign calling for the closure of an alleged

secret detention facility at Temara. Government authorities denied the facility existed and continued to claim that arrest and pretrial detention were mistakenly equated with abduction and forced disappearances and that families were informed about the whereabouts of those detained. However, authorities permitted the CNDH and several members of parliament to tour the Temara facility (see section 5). In the wake of the public campaign calling for the closure of the Temara facility, there were fewer reports of incommunicado detentions.

Regarding the unresolved cases of disappearance dating back to the 1970s and 1980s, the CNDH continued to investigate claims of enforced and involuntary disappearances. The government reported that since 2004 it had provided reparations to 25,442 victims of disappearance or other abuses committed between 1956 and 1999 or to their family members. Reparations were in the form of money, health care, employment, or vocational training. A total of 345 beneficiaries received reparations during the year amounting to the equivalent of more than five million dollars. The CNDH also began shifting its activities to community reparation projects and supported 107 of these—such as women's empowerment, income generation, and preservation of the environment—in 13 provinces. The CNDH continued to review open claims for reparation and occasionally received new claims, especially in Western Sahara.

Human rights groups representing Sahrawis, an ethnic minority living throughout the country and constituting the majority of the population of Western Sahara at the time of the contested disappearances, voiced concern over the slow pace at which the CNDH was addressing outstanding and new claims. An association of victims and their families claimed that at least 114 cases remained unresolved and accused the government and CNDH of failing to acknowledge many additional cases of disappearances, especially from Western Sahara, that occurred between 1956 and 1999.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and the law prohibit such practices, and the government denied that it used torture. However, numerous NGO reports and media articles alleged that members of security forces tortured and abused individuals in their custody, particularly during pretrial detention.

The law against torture requires judges to refer a detainee to a forensic medical expert when the detainee or his or her lawyer requests it or if judges notice suspicious physical marks on a detainee. The government reported that as of September public prosecutors and magistrates had requested expert medical examinations for 19 individuals, compared with 31 requests in 2010. Media and human rights NGOs documented cases in which the antitorture law provisions were not implemented.

A lawyer for Islamist detainees in the Toulal 2 prison in Meknes conveyed the account of several prisoners that, on August 1, guards brutally beat and raped with a stick at least four Islamist prisoners. According to numerous prisoner witness statements, one prisoner, Abdullah Al-Manfa'a, had been reciting the Qur'an for his fellow inmates when guards dragged him from his cell and abused him. Other prisoners protested and at least three of them received the same treatment. The government reported that an August 9 medical exam ordered by the Meknes court of appeals revealed no signs of abuse. The prosecutor then closed the investigation into the affair.

Many civil society actors claimed that torture occurred at a police administrative facility in Temara where police maintained detention cells. On May 18, two CNDH members, along with members of a parliamentary ad hoc committee, made a previously announced three-hour visit to the facility and reported that they "found no indicators that would confirm, at the time of the visit, that this facility is a place of illegal and unlawful detention" (see section 5).

Prison and Detention Center Conditions.—Prison conditions remained poor and generally did not meet international standards. Prisons were overcrowded, resulting in poor hygienic conditions. There were no reports regarding inadequate provisions for ventilation, temperature, lighting, and access to potable water. The Moroccan Observatory of Prisons (OMP), an umbrella grouping of lawyers promoting better prison conditions, and human rights NGOs continued to report during the year that prisons were overcrowded, prone to violence, and failed to meet local and international standards. The government stated that its 61 prisons held 65,279 inmates as of October 1. The government reported that it had opened seven new detention facilities during the year to reduce overcrowding as well as to improve living conditions. OMP reports in 2008 and 2009 maintained that the adult prison system operated at approximately 133 percent capacity. In many cases those imprisoned as minors completed their sentences as adults.

The government reported that 77 inmates, 54 of whom were hospitalized and under the care of the Ministry of Health, died in prison. Due to lack of access to information, local human rights NGOs were unable to comment on these numbers. The government acknowledged that providing adequate care was difficult in overcrowded conditions.

The Directorate General for Prison Administration (DGAP), a separate agency that reports directly to the prime minister and informally to the king, has responsibility for managing all prisons in the country. It has its own budget and central administrative apparatus. The Ministry of Justice directs the development and reform of penal policy.

Three detention facilities, known officially as Reform and Education Centers (RECs), were reserved exclusively for juveniles up to the age of 20. Several other adult prison facilities have dedicated areas for juvenile inmates. Although their separation was called for by law, juveniles were sometimes held with adults, particularly in pretrial detention and in police stations due to the lack of juvenile prison facilities. As of August 31, NGOs reported that there were an estimated 6,000 juveniles under the age of 20 at various prisons. Human rights groups reported that young offenders were abused by other minors, older inmates, and prison guards. Government figures indicated that fewer than 3 percent of prisoners were women, and there was less overcrowding in the women's sections. Women were held separately from men.

The government continued implementing vocational and educational training programs in prisons. The Mohammed VI Foundation for the Reinsertion of Prisoners, managed directly by the king, provides educational and professional training to young inmates on the verge of release. The foundation runs RECs in 38 of the country's 61 prisons and works with more than 4,000 prisoners each year. Graduates of the foundation's training programs have a recidivism rate of 3 percent, in contrast to the national average of 40 percent. During the year the government opened seven new prisons in Sale, Tetouan, Meknes, Tiflet, Khouribga, Oued Zem, and Beni Mellal. The government closed a number of prisons due to poor sanitary conditions.

Some human rights activists asserted that the prison administration reserved harsher treatment and conditions for certain prisoners, such as Islamists. The government denied allegations that it accorded different levels of treatment to any inmates. Prisoners frequently employed hunger strikes to demand improved prison conditions or protest lengthy pretrial detentions. Most of these ended within several days in response to concessions from the government or prison authorities. Although prison authorities provided meals to prisoners three times per day, the amount of food provided was inadequate, and families and friends regularly supplemented prisoners' diets.

The government rarely permitted prison visits by independent human rights observers, local human rights groups, international groups, or the media. As in years past, family members of prisoners accounted for the majority of prison visits. At least 244 visits were by judiciary authorities for various oversight reasons. The DGAP also reported that 46 regional or parliamentary commissions made prison visits during the year, as well as the Temara visit of the joint CNDH-parliamentary group. Authorities documented 128 visits by domestic NGOs during the first nine months of the year. NGOs reported that although international NGOs visited prisons in previous years, the DGAP's director general discouraged such visits, and they ceased. The International Committee of the Red Cross did not make any requests to visit prisoners.

The CNDH, like the CCDH before it, acted as an ombudsman for human rights and continued to expand the scope of its activities. The CNDH received complaints from prisoners and from individuals writing on behalf of their imprisoned family members (see section 1.e.). On several instances the CNDH intervened directly with authorities to secure royal pardons or address poor detention standards.

Government policy permits NGOs that provide social, educational, or religious services to prisoners to enter prison facilities, but it does not permit NGOs that only have a human rights mandate to do so except with special authorization. There were no reports that prisoners and detainees were denied permission to practice their respective religions. The OMP and members of various NGOs, including the Moroccan Organization for Human Rights (OMDH), the AMDH, and the Association of Victims of Grave Human Rights Abuses (ASVDH), visited prisoners regularly to distribute food and personal items and check on their health and well-being as "friends or family," not as human rights NGO representatives.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, although police used both practices. Police did not always observe due process. According to local NGOs and associations, police did not always identify

themselves when arresting suspects nor did they consistently obtain warrants. Police reportedly held some detainees without charging them.

Role of the Police and Security Apparatus.—The security apparatus includes several police and paramilitary organizations with overlapping authorities. The National Police (DGSN) manages internal law enforcement and reports to the Ministry of Interior. The Auxiliary Forces also report to the Ministry of Interior and support gendarmes or police. The Royal Gendarmerie, which reports to the Administration of National Defense, is responsible for law enforcement in rural regions and on national highways. Both the Royal Gendarmerie and the judicial police report to the royal prosecutor. The Department of Royal Security is a branch of the DGSN and reports to the king.

Civilian authorities maintained effective control over the security forces, but the government did not have effective mechanisms to investigate and punish abuse and corruption. There was no systematic prosecution of security personnel who committed human rights abuses. Corruption and impunity reduced police effectiveness and respect for the rule of law. Petty corruption was widespread among the police and gendarmes, and broader, systemic corruption undermined law enforcement and the effectiveness of the judicial system.

In February 2010 the king issued a royal high directive designed to modernize and professionalize the DGSN by making it an autonomous directorate. The government stated that these changes were aimed at improving the quality of recruits and reducing corruption. Various components of the king's directive were implemented during the year. While the directive did not include provisions for additional training of security forces, the government increased investigations, prosecutions, and training—including a human rights component—for security personnel.

The Ministry of Interior increased investigations of abuse, human rights violations, and corruption across all security services under its purview. During the year the government reported that it arrested, prosecuted, or opened investigations regarding government authorities or security officials at all levels for crimes ranging from assault and battery to petty bribery throughout the country and Western Sahara. There was no available information on the number of convictions and punishments during the year, and many more incidents of alleged corruption were never investigated. Cases often languished in the investigatory or trial phases without resolution.

Arrest Procedures and Treatment While in Detention.—Police may arrest an individual after a general prosecutor issues an oral or written warrant; in practice warrants were sometimes issued after the arrest. Warrants generally were issued on the basis of evidence and exclusively by authorized officials. The law permits authorities to deny defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or 48 hours of detention for other charges, during which police interrogated detainees and alleged abuse or torture was most likely to occur.

Under the antiterrorism law, after the first 96 hours, two additional 96-hour extensions are allowed with the written approval of the prosecutor. Under the law a person may be detained without trial for as long as one year while an investigating magistrate completes work.

NGOs continued to report that as many as 40 percent of adult detainees and more than half of incarcerated minors were in pretrial detention. The law provides for a limited system of bail, but bail was rarely granted. Some judges were unaware of legislation permitting the use of the bail system or other alternative sentencing provisions. The law does not require written authorization for a person to be released from detention. In some instances judges released defendants on their own recognizance. The antiterrorism law does not include a system of bail. Under a separate military code, military authorities may detain members of the military without a warrant or public trial.

According to the law, all defendants have the right to be represented by attorneys, and if a defendant cannot afford private counsel, a court-appointed attorney must be provided when the criminal penalty exceeds five years in prison. In practice effective counsel was not always provided. Police were required to notify a detainee's next of kin of the arrest as soon as possible after the initial 48-hour incommunicado detention in nonterrorism cases unless arresting authorities applied for and received an extension from a magistrate, but police did not always abide by this provision. Because of delays in notifying family, lawyers sometimes were not informed promptly of the date of arrest and were not able to monitor compliance with administrative detention limits as well as treatment of the detainee during this period.

Arbitrary Arrest.—It was common practice for security forces to arrest a group of persons, take them to a police station to be questioned, and then release them without charge.

Pretrial Detention.—Although the government claims that accused persons are brought to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Technically an accused person may be kept in detention for as long as one year prior to trial. There were reports that authorities routinely held detainees beyond the one-year limit. According to the government, as of October 1, pretrial detainees made up 45 percent of the 65,279 inmates in prison.

Amnesty.—The government used royal pardons rather than a parole system as the principal judicial mechanism for early release. Pardons may take the form of release, sentence reduction, or transfer.

The king pardoned 2,826 prisoners during the year. Included in these were the April 14 royal pardons for 190 of the Salafists rounded up after the 2003 Casablanca bombings, including five prisoners who had been convicted and sentenced to lengthy prison terms in connection with the Belliraj terrorist cell case in 2009. Domestic and international observers had long maintained that the five were not guilty of any crimes but had been convicted on fabricated charges because of their political beliefs. The five were Mustapha Moatassim, Mohamed Marouani, Mohammed Amine Regala, Alaa Badella Maa El Ainin, and Abdelhafid Srite. The CNDH recommended the pardons following the social unrest that began in February.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but in practice the courts often did not act independently and were weakened by corruption and extrajudicial influence. Corruption and extrajudicial influence on judges and other court officials was commonplace and widely acknowledged by NGOs, lawyers, and government officials.

After significant campaigning by his family and by domestic and foreign human rights activists, retired colonel-major Kaddour Terhzaz was pardoned and released from prison on March 2. He was arrested in 2008 for allegedly threatening the country's security through divulging national defense information and convicted of treason. Various NGOs stated that no witnesses were allowed to testify at his military trial and that he was denied access to his attorney.

In April authorities released the last three of the seven Sahrawi activists arrested in 2009 on charges of "intelligence cooperation with a foreign entity" and "incitement to disturb public order" after a trip to Algeria and the Sahrawi refugee camps near Tindouf. Four others had been released previously in 2010. Technically, all seven have been "provisionally released." Charges against them have not been dropped.

Trial Procedures.—Defendants are presumed innocent. The law provides for the right to a fair public trial with the right of appeal for all citizens; this did not always occur in practice, especially for those protesting the incorporation of Western Sahara into the country. Juries are not used, in accordance with the Napoleonic legal system.

Defendants have the right to be present at their trial and to timely consultation with an attorney, although these rights were not always enforced in practice. Attorneys were not appointed in all cases or, if provided, were poorly paid or provided in an untimely fashion, often resulting in inadequate representation. By law defendants in criminal and human rights cases have access to government evidence against them. In practice judges sometimes prevented or delayed access. Under the law defense attorneys may question witnesses. Despite the provisions of the law, some judges reportedly denied defense requests to question witnesses or present mitigating witnesses or evidence.

If the judge determines that a confession was obtained under duress, the law requires that it be excluded from evidence. Human rights NGOs charged that judges often decided cases based on forced confessions, especially in cases of Sahrawis or individuals accused of terrorism. Police statements about detainees' statements were sometimes used in place of defendants' confessions when there was a possible question of duress.

Political Prisoners and Detainees.—Legislation does not define or recognize the concept of a political prisoner. The government did not consider any of its prisoners to be political prisoners and stated that all individuals in prison had been convicted or had been charged under criminal law and were awaiting trial. However, several NGOs, including the AMDH, Sahrawi organizations, and Amazigh activist groups, asserted that the government imprisoned persons for political activities or beliefs under cover of criminal charges.

The royal pardons granted to the six men associated with the Belliraj case and the release of the last of the "Sahrawi Seven" (see above) prompted an open, public debate regarding the concept and status of political prisoners in the country. Recently released political prisoners freely appeared before the media and accused the government of having fabricated criminal charges against them to mask the political motivations for their detentions. Even government officials who had long denied the existence of political prisoners engaged in open discussions of the question.

On April 18, Ilham Hasnouni was released after receiving a 10-month sentence, which she has already served. Hasnouni, an activist with the Marxist group Annahj Addimocrati, had been detained without trial for 10 months. She was eventually charged with destruction of public property—among numerous other charges—due to her alleged role in a 2008 riot at Cadi Ayad University in Marrakech. Hasnouni, along with several others, was arrested two years after the riot. Human rights groups claimed that members of the group had been severely beaten and deprived of food and water for 48 hours.

Civil Judicial Procedures and Remedies.—Although individuals had access to civil courts for lawsuits relating to human rights violations and filed such lawsuits, the courts were not entirely independent or impartial in civil matters due to extrajudicial influence and corruption. There are administrative as well as judicial remedies for alleged wrongs.

A national ombudsman resolves civil matters when the judiciary is unable to do so and has gradually expanded the scope of its activities. As of October 1, the ombudsman had received 1,250 complaints; it judged 841 to be valid and referred those cases to other public administrations as appropriate. The CNDH continued to serve as a conduit through which citizens expressed complaints about government malfeasance or human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the constitution states that an individual's home is inviolable and that a search may take place only with a search warrant, authorities occasionally entered homes without judicial authorization, monitored private communications or movements without legal process, and employed informer systems.

Although less than in previous years, authorities reportedly searched and shut down activities in the homes of members of the Justice and Charity Organization (JCO), an Islamist charitable and sociopolitical group the government tolerated but did not officially recognize. Members used their homes for "open houses" where they held politically oriented meetings. JCO members claimed the Ministry of Interior's General Directorate of Territorial Surveillance was responsible for the harassment. In almost every case, authorities detained, questioned, and later released JCO members without charges.

Sahrawi activists reported that when NGOs held meetings at members' houses, both plainclothes and uniformed police occasionally intervened (see the Western Sahara report).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law generally provides for freedom of speech and press, although the government continued to restrict freedom of the press through the legal system. Government-provided figures for the year showed that 154 journalists or media outlets faced criminal or civil charges, an increase from previous years. These numbers included cases the government initiated as well as private citizens' libel complaints. Numerous human rights groups criticized the steady stream of criminal prosecutions, newspaper closings, and libel suits.

Freedom of Speech.—The law criminalizes criticizing Islam, the institution of the monarchy, state institutions such as the military, and the government's official position regarding territorial integrity and claim to the Western Sahara. But during the year's historic period of social unrest in Morocco and across the region, many members of NGOs, political parties, and the February 20 Movement claimed they felt more at liberty to discuss perceived shortcomings of the monarchy and Islam, so long as they did not question them directly. Article 19 of the previous constitution that codified the king's role as "Commander of the Faithful" was a common topic of debate at universities, in the media, and throughout society.

On September 9, rapper and February 20 Movement supporter Mouad Belghout, who had been sharply critical of the monarchy in his songs, was arrested and charged with assault against a pro-monarchy demonstrator. A theory supported by numerous eyewitness accounts held that Belghouat had been incited to fight and that authorities used the fight as an excuse to arrest and disproportionately punish him. He remained in detention at year's end.

Freedom of Press.—The antiterror law and press code include provisions that permit the government to jail and impose financial penalties on journalists and publishers who violate restrictions related to defamation, libel, and insults. Prison sentences may be imposed on those convicted of libel. Consequently, the press reported gingerly on controversial and culturally sensitive topics involving the military and national security. This was less the case than in previous years, however, and many NGOs and February 20 Movement organizers reported an overall relaxing of both self-censorship and government restrictions on sensitive topics. The broadcast media, subject to the same restrictions but more under government sway, was more circumspect that newspaper, magazine, or book publishers.

On June 9, a court in Casablanca sentenced Rachid Niny, the editor, publisher, and leading columnist for the country's highest-circulation daily newspaper, Al Massae, to one year in prison and a 1,000 dirham ($130) fine. Niny had been charged under the penal code with "denigration of a judicial ruling" and "knowingly publishing information about a nonexistent crime." According to lawyers, journalists, and some politicians, Niny's arrest and conviction were politically orchestrated due to his criticism of the government's application of antiterror laws, including the existence of a secret detention and torture center at Temara, as well as his critical coverage of corruption involving high-level government officials.

Violence and Harassment.—Authorities subjected some journalists to harassment and intimidation during the year.

Censorship or Content Restrictions.—The government rarely censored the domestic press; however, it exerted pressure both by subsidizing some publications and occasionally intimidating journalists in an effort to get them to self-censor. The press code lists threats to public order as one of the criteria for censorship. Journalists self-censor, and the broadcast media is either wholly or partially government owned. Publications and broadcast media must obtain government accreditation, and the government has the ability to deny and revoke accreditation as well as to suspend or confiscate publications. In January 2010 the Ministry of Communication began applying regulations requiring foreign stations to receive ministry approval on a monthly basis in order to report on or record individuals outside Rabat. On occasion the government blocked the entry of foreign periodicals that contained, for example, caricatures of the king or the Prophet Mohammed.

Libel Laws/National Security.—The antiterror law provides for the arrest of journalists or the filtering of Web sites that are deemed to "disrupt public order by intimidation, terror, or violence."

Internet Freedom.—The government applied laws and restrictions governing speech and the press to the Internet. There are neither specific laws nor a body of judicial decisions concerning Internet content or access. The government generally did not restrict access to the Internet. Individuals and groups generally were careful to respect the official boundaries and were able to engage in peaceful exchanges of views via the Internet, including by e-mail. The government did not publicly attempt to collect the personally identifiable information of persons over the Internet in connection with citizens' peaceful expression of political, religious, or ideological opinion or beliefs.

Academic Freedom and Cultural Events.—By law and in practice, the government has the right to criminalize presentations or discussions questioning the legitimacy of the monarchy, Islam, state institutions, or the status of Western Sahara; however, the government generally tolerated political and religious activism on university campuses. Islamist groups wielded considerable influence on campuses. In some cases they won student union elections and acted to constrain academic freedom by intimidating or harassing students or professors. The Ministry of Interior approved the appointments of university rectors.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association within the limits provided by law. In practice the government sometimes used administrative delays and other methods to suppress or discourage demonstrations. But both authorized and unauthorized sit-ins, demonstrations, and protests occurred frequently throughout the country. The government also prohibited or failed to recognize associations it deemed unqualified for NGO status.

Freedom of Assembly.—The law conditions the right to freedom of public assembly on acquiring Ministry of Interior permission. Some NGOs complained that the approval process was inconsistent. The creation of the February 20 Movement dramatically increased the number, size, and geographical dispersion of demonstrations, particularly prior to the July 1 referendum on the new constitution. The majority of these demonstrations were tolerated, even if unauthorized.

However, on May 15, 22, and 29, security forces violently dispersed February 20 Movement protests in various cities, resulting in dozens of injuries and allegedly the death of Kamal Ammari in Safi (see section 1.a.). Security forces were also blamed for the deaths of Karim Chaib in Sefrou (see section 1.a.) and Mohamed Bouderoua in Safi. The government ordered investigations into these two deaths; they remained open at year's end.

The May 15 protest was held in the vicinity of a government facility in Temara that many human rights NGOs claimed was a secret prison where detainees were routinely tortured. In the weeks following the July 1 referendum, February 20 Movement protesters were frequently met by pro-monarchy demonstrators who were both physically and verbally abusive. The AMDH and other human rights NGOs claimed they saw security forces encouraging these groups to harass the February 20 Movement protesters and helping them to identify individuals that the police had selected for particularly harsh treatment. Human rights groups blamed at least one death on October 27 in Al Hoceima on the actions of counterprotesters.

Other protests were also violently dispersed throughout the year, particularly in Casablanca, Tangier, Khourigba, and Safi. Human rights activists claimed that a March 15 crackdown on protesters in the phosphate town of Khouribga caused one death.

Freedom of Association.—The constitution and the law provide for freedom of association, although the government refused to recognize officially NGOs that espoused ideals counter to a monarchical form of government, the Malachite Rite of Sunni Islam as the state religion, or the territorial integrity of the country. The establishment and functioning of associations is governed by a 1958 decree. According to the government, approximately 100,000 NGOs and associations were registered.

New NGOs are required to register with the Ministry of Interior. A proposed organization must submit its objective, bylaws, address, and photocopies of members' identification cards to the ministry. In practice the government has denied official recognition to NGOs that advocate against the monarchy, Islam as the state religion, or territorial integrity. The ministry issues a receipt to the organization that signifies formal approval. If the organization does not receive a receipt within 60 days, it is not formally registered. Many organizations the government chose not to recognize functioned without the receipts, and the government tolerated their activities. Several organizations, including the ASVDH and the JCO, have won administrative court judgments confirming that their applications for registration conform to the law; however, administrative courts have no enforcement powers beyond ruling that authorities exceeded their powers and cannot force government officials to recognize NGOs.

Organizations supporting self-determination for Western Sahara, including the ASVDH and the Sahrawi Collective of Human Rights Defenders, were not permitted to register. Unregistered organizations cannot access government funds or legally accept contributions. The ASVDH remained unregistered despite a 2005 Agadir administrative court decision requiring authorities to register it.

During the year authorities continued to monitor JCO activities and on occasion disrupt them.

c. Freedom of Religion.—See the Department's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—In-country Movement.—The law provides for freedom of movement within the country. This right was generally respected in practice, although the government restricted movement in areas regarded as militarily sensitive, including the demilitarized zone in Western Sahara.

Foreign Travel.—The law provides for freedom of foreign travel, and this right was generally respected in practice, although the Ministry of Interior restricted the freedom of civil servants to travel outside the country, including teachers and military personnel. Civil servants and soldiers must obtain written permission from their ministries to leave the country.

Exile.—While the law provides for forced exile, there were no instances of forced exile during the year. Abdelkrim Mouti reportedly remained in political exile in Libya. Mouti has lived abroad since 1975, claiming that Moroccan authorities are preventing his return by denying him a passport. He was convicted in absentia in 1980 for the assassination of a prominent politician but maintained his innocence.

Emigration and Repatriation.—The government encouraged the return of Sahrawi refugees if they acknowledged the government's authority over Western Sahara. The government continued to make travel documents available to Sahrawis, and there

were no reported cases of Sahrawis being prevented from traveling (see the Western Sahara report).

Protection of Refugees.—The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. As of December the UNHRC reported approximately 800 refugees and 400 asylum seekers in the country.

Access to Asylum.—The country has not adopted national refugee legislation, nor has it established asylum procedures meeting international standards. It defers to the UNHRC as the sole agency in the country entitled to grant refugee status and verify asylum cases. In this void the UNHRC conducted refugee status determinations during the year and expected to continue this work in the future even as it sought increased involvement by the government.

Refugee Abuse.—Refugees and asylum seekers—as well as migrants—were particularly vulnerable to criminal gangs involved in human trafficking. There were credible reports of government authorities expelling illegal migrants, particularly at the border town of Oujda but also into the desert along the border with Algeria. NGOs reported that authorities left some migrants without food and water; however, unlike in previous years, there were no reports of migrant deaths as a result.

Access to Basic Services.—Refugees were unable to obtain residence permits that would officially allow them access to the national health-care system.

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

Citizens do not have the right to change the constitutional provisions establishing the country's monarchical form of government. The law provides for, and citizens participated in, regular, free elections based on universal suffrage for the parliament's Chamber of Representatives and municipal councils. The parliament's Chamber of Counselors and the regional councils are indirectly elected through representatives. Citizens voted to accept a new constitution on July 1 and ratified it September 13.

The king may dissolve parliament in consultation with the prime minister. As head of state he appoints the head of government. According to the constitution, the king presides over the Council of Ministers—the supreme decision-making body—except in cases when he delegates that authority to the head of government. Constitutional changes outlining this division of responsibility came into effect on July 29, and it remained unclear by year's end which authorities the king might delegate and which he might maintain. Matters of religion, security, and strategic policy legally remain the purview of the king. The constitution obliges the king to choose the prime minister from the party with the most elected seats in the Chamber of Representatives. The constitution authorizes the prime minister to nominate all government ministers, although the king may dismiss them.

The constitution may not be changed without the king's approval. The king, head of government, or parliament may propose amendments to the constitution, but only the king has the power to put constitutional amendment proposals to a national referendum.

Elections and Political Participation.—Recent Elections.—In the November 25 legislative elections, which saw a turnout of approximately 45 percent of the registered electorate, the Islamist PJD won 107 of the 395 seats at stake in 92 constituencies. Of the 395 seats, 60 were reserved for women and 30 for those less than 40 years of age.

The law mandates the CNDH to supervise and facilitate the work of domestic and international observers. Accordingly, the CNDH fielded an estimated 3,500 domestic observers. The CNDH also accredited more than 300 international observers. Political parties and the vast majority of the 3,500 domestic observers considered the elections free, fair, and transparent. Most international observers considered them credible elections in which voters were able to choose freely and deemed the process relatively free of government irregularities.

Political Parties.—Political parties faced fewer government-imposed restrictions as a result of the new constitution. The Ministry of Interior applied new laws that made it easier for political parties to register. By law a political party may not challenge the monarchy, Islam as the state religion, or territorial integrity.

Participation of Women and Minorities.—Women's representation in political parties' decision-making structures increased during the year, and female politicians

featured prominently in the press on a variety of issues. The November elections saw an increase of women in the Chamber of Representatives from 34 to 67.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. It was common knowledge that corruption was a serious problem in the executive branch—including the police—as well as the legislative and judicial branches of government. There were reports of government corruption during the year.

The judiciary's lack of independence and susceptibility to influence were widely acknowledged, including by the king. During several speeches throughout the year, the king highlighted the issue of corruption. Since 2009 the king has called for judicial system reform, including greater judicial independence, but many members of the well-entrenched and conservative judicial community have been loath to adopt new procedures, as well as new laws. Since 2007 the law has required judges, ministers, and members of parliament to submit financial disclosures.

The Central Commission for the Prevention of Corruption (ICPC) is the agency responsible for combating corruption, but it does not have the authority to require response from government institutions on anticorruption cases. Officials attributed the low number of complaints in part to the lack of legislation protecting plaintiffs and witnesses in corruption cases. The ICPC launched an Internet portal for the civil society to identify instances of corruption. In addition to the commission, the ministry and the government accountability court had jurisdiction over corruption issues.

During the year the government exhibited some efforts to address corruption, but there were no high-profile cases. The inspector general of the Justice Ministry investigated 151 ethics complaints against judges (up from 65 in 2010), which resulted in the referral of three judges to the Supreme Judicial Council for disciplinary measures.

According to observers, there was widespread corruption in the police force. The government claimed to investigate corruption and other instances of police malfeasance through an internal mechanism.

There is no freedom of information law, but the new constitution provides for the access of citizens to information held by public institutions. In practice the government did not grant access to official information to citizens and noncitizens, including foreign media.

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

The government's attitude toward international human rights organizations varied, depending on the political sensitivity of the issues. Domestic and international human rights groups generally operated in the country without government restriction (except those that advocated in favor of independence for Western Sahara), and these groups investigated and published findings on human rights cases. Government officials generally were cooperative and responsive to their views, except on Western Sahara.

The government recognized several dozen domestic and independent human rights NGOs with national coverage. The OMDH and AMDH were considered the largest human rights NGOs. The AMDH did not cooperate officially with the government but usually shared information informally with both the government and government-affiliated organizations. The government occasionally met with and responded to inquiries and recommendations from the OMDH and AMDH as well as Transparency Maroc and the umbrella organization OMP.

Government Human Rights Bodies.—The government created three entities to address issues concerning human rights. The CNDH served as the principal advisory body to the king and government on human rights. Most human rights NGOs and the public generally viewed the CNDH as a credible and proactive government advocate protecting human rights and a vehicle to seek redress in individual cases. The new Mediator Institution acted as ombudsman and considered allegations of governmental injustices, although in practice the CNDH filled many of the roles of national social ombudsman. The government also created the Interministerial Delegation for Human Rights, which promotes the protection of human rights across all ministries, serves as a government interlocutor with domestic and international NGOs, and interacts with relevant U.N. bodies regarding international human rights obligations.

In the case of allegations of serious human rights abuses, the parliament may create a special committee to investigate. In 2010 such a parliamentary committee

composed of both majority and minority political party representatives traveled to Western Sahara to investigate the Agdim Izik camp dismantlement in November outside Laayoune. The committee released its report in January. Parliament also created an ad hoc committee in May to investigate accusations by numerous human rights NGOs of torture in a detention facility in Temara (see section 1.c.).

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

The constitution prohibits discrimination based on race, gender, disability, language, social status, faith, culture, regional origin, or any other personal circumstance. In practice the government generally enforced the law, although societal discrimination against women was a problem, particularly in rural areas.

Women.—Rape and Domestic Violence.—The law punishes men convicted of rape with prison terms of five to 10 years; when the conviction involves a minor, the prison sentence ranges from 10 to 20 years. Sexual assault can result in a prison sentence of up to one year and a fine of 15,000 dirhams ($1,797). The government generally enforced the law; however, spousal rape is not a crime, and various domestic advocacy groups, such as the Democratic League for Women's Rights (LDDF), reported that in eight of 10 cases of violence against women, the perpetrator was the husband.

Women.—'s rights organizations pointed to numerous articles of the laws pertaining to rape that they saw as perpetuating unequal treatment for women and insufficient protection despite family law revisions. Sexual assaults often were unreported.

The number of instances of rape in the country was not available at year's end, but the government reported it had investigated 506 cases in 2010 and 278 cases in 2009. A 2009-10 national survey by the government's agency for statistics and forecasts found that nearly half of women were victims of psychological violence; one in six were affected by physical violence, and approximately 8 percent suffered from sexual violence. According to the survey, 35.3 percent reported having been subjected to physical violence at least once since the age of 18, and 23.9 percent of women ages 18-64 reported undergoing a form of physical or sexual violence in 2009. Marital violence was the most common form of violence reported. The government indicated that it expected a rise in reported incidents of violence as supporting social services became more available.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. High-level misdemeanors occur when the victim suffers injuries that result in 20 days of disability from work. Low-level misdemeanors occur for victims who suffer disability for less than 20 days. NGOs reported that the courts rarely prosecuted perpetrators of low-level misdemeanors.

Physical abuse was legal grounds for divorce, although few women reported abuse to authorities, and most victims of domestic violence preferred to mediate the problem within the family. Women choosing the justice route preferred pursuing divorce in family courts rather than police prosecutions.

The law is lenient toward husbands who commit crimes against their wives. Police rarely became involved in domestic disputes. Several women's NGOs reported that often laws are not enforced due to societal pressures not to break up a family and to the conservative mentality of some police and court officials.

The government operated hotlines for victims of domestic violence. A small number of groups such as the Anaruz Network and LDDF were also available to provide assistance and guidance to victims. Counseling centers existed exclusively in urban areas, and services for victims of violence in rural areas were generally limited to local police. Women's shelters were not authorized under the law, but a few NGOs made efforts to make shelter for victims of domestic abuse available. Courts have "victims of abuse cells" that bring together prosecutors, lawyers, judges, women's NGOs, and hospital personnel to review domestic and child abuse cases, ensure proper procedure is followed, and determine the best interest of the woman or child.

Many domestic NGOs worked to advance women's rights and promote women's issues. Among these were the Democratic Association of Moroccan Women, Union for Women's Action, LDDF, and Moroccan Association for Women's Rights. All advocated enhanced political and civil rights for women. NGOs also promoted literacy and taught women basic hygiene, family planning, and child care.

Sexual Harassment.—Sexual harassment in the workplace is a criminal offense, but only when committed by a superior, and it is defined as an abuse of authority. Authorities did not effectively enforce laws against sexual harassment. According to the government, although the law allows victims to sue employers, only a few did so, since most feared losing their job as a result or worried about the difficulty of proving the violation.

Reproductive Rights.—Contraception is legal, and most forms were widely available. Individuals and couples were able to decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. The Ministry of Health ran two programs: one with mobile clinics providing maternal and child health and family planning services in remote rural areas, and the other involving systematic home visits to encourage the use of contraception and provide family planning and primary health-care services. In practice NGOs reported that women often faced obstacles in obtaining emergency contraception from pharmacies. Skilled attendance at delivery and postpartum care were available for women who could afford it, with approximately 63 percent of overall births attended by skilled health personnel. The most recent U.N. statistics showed that there were approximately 110 maternal deaths per 100,000 live births in the country in 2008 and that 52 percent of women ages 15-49 used a modern method of contraception in 2010. The major factors influencing maternal mortality and contraceptive prevalence rates were female illiteracy, lack of knowledge about availability of services, cost of services, and transportation to health centers and hospitals for those in rural areas.

Discrimination.—The constitution provides women equal rights with men in civil, political, economic, cultural, and environmental affairs—an improvement from the previous constitution, which provided only political equality. The constitution created a new body to monitor gender equality issues, the Authority for Equality and the Fight against all Forms of Discrimination.

Numerous problems related to discrimination against women remained. Women's inheritances, which are determined by Sharia (Islamic law) for Muslims, vary depending on circumstances, but are less than those of men. Under Islamic law, daughters receive half of what their brothers receive, and if a woman is the only child, she receives half and other relatives receive the other half. A sole male heir would receive the entire estate. Inheritance laws were not changed during the reform of the family code and were not specifically addressed in the new constitution.

According to two Ministry of Interior decrees from 1995 and 2004, women are entitled to their share of collective lands, which make up one-third of the country's territory. While ministry decrees carry the force of law, implementation has met considerable local resistance from men. Despite considerable lobbying by women's NGOs, enforcement of these property laws remained inconsistent. However, the efforts of such NGOs prompted the Ministry of Interior to publish new circulars—which do not carry the force of law—in 2009 and 2010 that further pressed for local enforcement of women's collective lands rights. The government followed up with training for local authorities on the implementation of the land allocation process. Women's NGOs reported that the situation improved over the course of the year but wanted the government to codify their rights in formal legislation.

The 2004 family code (Moudawana) changed the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, and rescinded the wife's duty of obedience to her husband. The Moudawana removed the requirement for woman to have a marital tutor as a condition of marriage, made divorce available by mutual consent, and placed legal limits on polygamy.

Implementation of the controversial family law remained a concern because it is largely dependent on the judiciary's willingness to enforce it, and many judges did not agree with it. Corruption among working-level court clerks and a lack of knowledge about its provisions among lawyers were also obstacles to greater enforcement of the law.

There were few legal obstacles to women's participation in business and other economic activities; however, the rate of participation in the formal labor force was only 28 percent. In practice women were not represented in leadership positions in trade unions. The majority of women were illiterate, and a typical working woman earned 25 percent of what a man earned. Women were able to travel, receive loans, and start businesses without the permission of their husbands or fathers.

Children.—Birth Registration.—Since 2007 the law has permitted female citizens to pass nationality to their children. Previously, nationality was passed only through the father.

Education.—Girls continued to lag behind boys in school attendance beyond the primary level.

Child Abuse.—Although NGOs, human rights groups, media outlets, and the U.N. Children's Fund (UNICEF) claimed that child abuse was widespread, there were no conclusive government statistics on the extent of the problem. Anecdotal evidence also showed that abuse of child domestic servants was a problem.

The government maintained 20 child protection centers (CPCs), five specifically for girls. The CPCs were originally intended to provide an alternative to prison for

underage juvenile delinquents; however, the centers were used to house delinquents, homeless children, victims of domestic violence, drug addicts and other "children in distress" who have committed no crime. Unlike the prisons, the CPCs were managed by the Ministry of Youth and Sports.

Child Marriage.—The legal age of marriage is 18 years, but parents may secure a waiver from a judge for underage marriage. The judiciary approved the vast majority of petitions for underage marriages. Although the government took concrete steps to address it, child marriage remained a concern, especially in rural areas.

Sexual Exploitation of Children.—Children were exploited through prostitution within the country and were victims of sex tourism.

International Child Abductions.—The country became a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction with an effective date of June 1. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html as well as country-specific information at http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—Community leaders estimated that the size of the country's Jewish population was approximately 4,000 members. Jews generally lived in safety, and the government provided them appropriate security. There were no reports of anti-Semitic acts.

Some vendors at the annual government-sponsored book fair in Casablanca in February offered publications that were anti-Semitic. There was no indication that the government promoted these works.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The new constitution codifies the government's role in protecting the rights of persons with disabilities. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care; however, the government generally did not effectively enforce these provisions. The law also provides for regulations and building codes that assure access for persons with disabilities, although the government did not effectively implement these laws and regulations. While building codes have required accessibility for all persons since 2003, the codes exempt most preexisting structures and were rarely enforced upon new structures. Government policy provided that persons with disabilities should have equal access to information and communications, but special communication devices for the blind and deaf were generally not widely available.

The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector. Both sectors were far from achieving such quotas. Since 2008 the government has opened some 400 integrated classes for children with learning disabilities, but in practice integration was largely left to private charities. Typically, families supported persons with disabilities, although some survived by begging.

National/Racial/Ethnic Minorities.—Many of the poorest regions in the country—particularly the Middle Atlas region—are predominantly Amazigh with illiteracy as high as 80 percent. Basic governmental services in this mountainous and underdeveloped region were not extensive.

Official languages are Arabic and—with the new constitution—Amazigh. Arabic predominates, but French and Amazigh were available in the news media and, to a much lesser extent, educational institutions.

Approximately 60 percent of the population, including the royal family, claimed some Amazigh heritage. Amazigh cultural groups contended that their traditions and language were being lost rapidly to Arabization. The government increasingly provided television programs in the three Amazigh dialects of Tarifit, Tashelhit, and Tamazight. The government also offered Amazigh language classes in the curriculum of 3,470 schools. Expanding Amazigh language education was hindered primarily by a lack of qualified teachers, which the palace-funded Royal Institute of Amazigh Culture was addressing through the creation of university-level teacher training. Instruction in learning the Amazigh language is mandatory for students at the Ministry of Interior School for Administrators in Kenitra.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The penal code criminalizes consensual same-sex sexual activity, but these provisions were infrequently enforced. Questions of sexuality, sex-

ual orientation, and gender identity were addressed in the media and in public with more openness than in previous years.

Sexual orientation or gender identity occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. There were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity. The government deems lesbian, gay, bisexual, or transgender orientation or identity illegal; therefore, there were no reports of official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care.

Other Societal Violence or Discrimination.—There were no reports of societal violence against individuals living with HIV/AIDS, but there was a stigma attached to being tested for HIV/AIDS. Persons living with HIV/AIDS in the country faced discrimination and had limited treatment options. The Joint U.N. Program on HIV/AIDS reported some health-care providers were reluctant to treat persons with HIV/AIDS for fear of infection.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution provides workers with the rights to form and join unions, strike, and bargain collectively, with some restrictions. Certain categories of government employees, including members of the armed forces, police, and judiciary, are prohibited from forming and joining unions and from conducting strikes. Domestic workers are not prohibited by law from unionizing, nor are they explicitly permitted, as they are not covered by the labor code.

According to the labor code, the wages and employment conditions of unionized workers should be agreed upon in discussions between employer and worker representatives. The law allows several independent unions to exist, but the code requires 35 percent of the total employee base to be associated with the union for it to be considered representative and able to engage in collective bargaining. The law prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities. Courts have the authority to reinstate arbitrarily dismissed workers and can enforce rulings that compel employers to pay damages and back pay.

The law concerning strikes requires compulsory arbitration of disputes, prohibits sit-ins, calls for a 10-day notice of a strike, and allows for hiring replacement workers. The government can intervene in strikes, and a strike cannot take place around issues covered in a collective contract for one year after the contract comes into force. The government has the authority to disperse demonstrations in public areas where strikes have not been authorized and to prevent the unauthorized occupancy of private space. Unions may not prevent nonstrikers from working and may not engage in sabotage.

The government did not always enforce labor laws due to a lack of sufficient inspection personnel and resources. Procedures were subject to lengthy delays and appeals.

In practice freedom of association and the right to collective bargaining were generally respected. However, the effective scope of collective bargaining was limited. Employers frequently set wages unilaterally for the majority of unionized and nonunionized workers. The country's five largest unions negotiated with the government about national-level labor issues. At the sectoral level, trade unions negotiated with private employers concerning minimum wage, compensation, and other concerns.

Labor disputes were common and were in some cases the result of employers failing to implement collective bargaining agreements and withholding wages. Trade unions complained that at times the government used the penal code to prosecute workers for striking and suppress strikes. However, trade unions reported that the right to strike was respected more during the year due to the effects of large social protests associated with the Arab Spring. Although most union federations were strongly allied with political parties, unions were free from government interference.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. In practice labor inspectors did not inspect the small workshops and private homes where the majority of such practices occurred, as the law does not allow labor inspections in private homes. Inspectors' effectiveness was limited by their small numbers, the broad geographic dispersion of sites, and the low level of resources at their disposal.

Forced labor, especially of children, was reported. Girls from rural areas were compelled to work as maids in urban areas, and boys experienced forced labor as apprentices in the artisan and construction industries and in mechanic shops (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment in all sectors is 15 years. Children younger than 16 are prohibited from working more than 10 hours per day and employers must give them a break of at least one hour. Children younger than 16 are not permitted to work between the hours of 9 p.m. and 6 a.m. in nonagricultural work, or between 8 p.m. and 5 a.m. in agriculture. The overwhelming majority of child laborers worked in rural agriculture, according to the government's statistical agency, the High Planning Commission. Seasonal agriculture work is excluded from the law. The law prohibits employment of children younger than 18 in stone quarries, mines, or any other positions the government considers hazardous. The labor code, however, does not cover domestic labor and therefore does not prohibit the employment of child maids or domestics.

The Ministry of Employment and Professional Development is responsible for implementing and enforcing child labor laws and regulations. The law provides for legal sanctions against employers who recruit children under the age of 15, with fines ranging from 27,000 to 32,000 dirhams ($3,235 to $3,835). Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for five to 10 years.

The ministry did not systematically enforce these sanctions due to a lack of resources. According to various reports, police, prosecutors, and judges rarely enforced legal provisions on "forced labor in cases involving child domestics," and few parents of children working as domestics were willing or able to pursue legal avenues that were likely to provide any direct benefit.

According to Justice Ministry officials, no one was convicted during the year for employing a child domestic. Labor inspectors responsible for enforcing the labor code do not have jurisdiction to inspect private residences. The Ministry of Employment's small cadre of labor inspectors did not monitor the informal sector. Forty-three of the 51 national labor inspectorates had an inspector trained in child labor issues. These inspectors received up to 14 weeks of training from the International Labor Organization's (ILO's) International Program on the Elimination of Child Labor (IPEC), which trained the 43 child labor inspectors as well as 50 new general inspectors during the year.

Noncompliance with child labor laws was common in practice, particularly in agriculture and private urban residences, where parents placed children as young as six years of age to work as domestic servants.

Under the 2006-15 National Plan of Action for Children, the government expanded coordination with local, national, and international NGOs on education and training programs during the year. The ministry, led by the Office of the Director of Work, in conjunction with NGOs, oversaw programs dealing with child labor. The programs sought to decrease its incidence through awareness raising, financial assistance to needy families, and the lowering of obstacles to school attendance.

Reducing child labor has been the focus and secondary objective of a number of government projects, mainly through increasing training for enforcement stakeholders, improving legislation, reducing poverty, increasing school retention in rural areas, and providing increased protection services. From 2002 through 2010, through its joint efforts with the ILO's IPEC, UNICEF, and others, the Ministry of Employment reported that 16,283 children were removed from work by providing viable alternatives, and 24,560 were preventively assisted.

Child labor occurred overwhelmingly in rural areas, which accounted in 2010 for 91.2 percent of child workers, 93 percent of whom worked in agriculture, primarily on family farms. According to 2010 government statistics, labor inspectors issued 167 warnings and 45 fines to businesses for employing children between the ages of 15 and 18. In 2009, 15 businesses were fined for employing children under the age of 15.

Some children were apprenticed before the age of 12, particularly in small family-run workshops in the handicraft industry. Children also worked in the informal sector in textiles, carpets, and light manufacturing. Children's safety and health conditions and wages were often substandard. In a 2011 report the High Planning Commission estimated that approximately 13,000 children between the ages of seven and 15 worked in urban areas in 2010, largely in the service sector.

Credible reports of physical and psychological abuse of domestic servants were common. Some orphanages were accused of complicity in the practice. The parents of children involved were paid for their children's work. Most child domestics received food, lodging, and clothing instead of monetary payment.

During the year the High Planning Commission reported that there had been a significant reduction in child labor in the last decade, claiming that in 2010 there were approximately 147,000 children from the ages of seven to 15 actively working, compared with 517,000 children in the same age group in 1999.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The minimum wage was 80 dirhams ($9.60) per day in the industrialized sector and 52.50 dirhams ($6.30) per day for agricultural workers. The World Bank absolute poverty level threshold wage was 70 dirhams ($8.40) per day.

The law provides for a 44 to 48 hour maximum workweek with no more than 10 hours in a single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. The law prohibits excessive overtime. The labor code does not cover domestic workers, who are primarily female citizens.

Occupational health and safety standards are rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. The law outlines 33 areas of hazardous work that workers under the age of 18 are prohibited from performing, which include working in mines, handling dangerous materials, transporting explosives, and operating heavy machinery.

In practice many employers did not observe the legal provisions for condition of work, and the government did not always implement or effectively enforce basic provisions of the labor code, such as payment of the minimum wage and other basic benefits under the National Social Security Fund. The country's labor inspectors attempted to monitor working conditions and investigate accidents, but lack of resources prevented effective enforcement of labor laws, and penalties were generally not sufficient to deter violations.

Informal businesses hired approximately 60 percent of the labor force and often ignored the minimum wage requirements. In many cases several family members combined their incomes to support the family. Most workers in the industrial sector earned more than the minimum wage. Including traditional holiday-related bonuses, workers generally were paid the equivalent of 13 to 16 months' salary each year.

Although workers in principle have the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right. According to NGOs, no major workplace accidents occurred during the year.

OMAN

EXECUTIVE SUMMARY

The Sultanate of Oman is a hereditary monarchy with a population of 2.7 million, including approximately 816,000 nonnationals. Sultan Qaboos Al-Said has ruled since 1970. The sultan has sole authority to enact laws through royal decree, although ministries draft laws and citizens provide input through a Majlis al-Shura (Consultative Council). On October 15, citizens chose among 1,100 candidates running for seats on the 84-member Consultative Council. The 29-member Council of Ministers advises the sultan on government decisions. The two-house Majlis Oman (Oman Council) is composed of the Majlis al-Dawla (State Council), whose 83 members are appointed by the sultan, and the Majlis al-Shura. On October 19, a new law granted the Oman Council new powers that expand its policy review function to include approving, rejecting, and amending legislation and convoking ministers of agencies that provide direct citizen services. Security forces reported to civilian authorities.

Oman experienced a series of relatively peaceful public protests throughout the spring, with demonstrators demanding economic and political reforms. There were lengthy sit-ins in the three largest cities, including some significant acts of civil disobedience. One man died and several were injured when security forces clashed with disorderly protesters in the city of Sohar on February 27. On April 1, another man died under similar circumstances. Security forces arrested and detained hundreds of demonstrators throughout the country for illegal weapons possession, arson, destruction of property, vandalism, and blocking roads. There was one reported incident, which may have been politically motivated, of two human rights activists kidnapped and beaten by unknown persons.

The principal human rights problems were the inability of citizens to change their government, limits on freedom of speech, and societal mores that discriminate against women.

Other ongoing human rights concerns included restrictions on freedoms of press and association, instances of domestic violence, isolated reports that some employers placed expatriate laborers in conditions of forced labor or abuse, and lack of independent inspections of prisons and detention centers.

Security force impunity was not a significant problem in the country. Security personnel and other government officials generally were held accountable for their actions.

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

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

b. Disappearance.—On April 8, human rights activists Said al Hashmi and Basma al Rajhi reported being abducted from their car by several men, taken to a remote area, and beaten over several hours. Al Hashmi and al Rajhi alleged their kidnappers demanded they stop their political activities, threatening them with further violence if they did not. Both suffered injuries in the attack and were briefly hospitalized. The two reported the incident to the police, who had not identified their attackers.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, Amnesty International published reports of detained protesters beaten in prison.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, although the primary detention center for illegal immigrants was overcrowded. There were on average 750 convicted individuals in jail during the year and another few hundred awaiting trial. There were also several hundred irregular immigrants in detention centers awaiting deportation. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. The law permitted visits by independent human rights observers, and the National Commission on Human Rights began regularly visiting prisons. The government investigated and monitored prison and detention center conditions, and authorities in some cases investigated claims of abuse, but the results of investigations were not documented in a publicly accessible manner. There is no ombudsman to serve on behalf of prisoners and detainees. Prisoners had access to potable water. Conditions for female prisoners were not worse than for their male counterparts. Authorities sought to improve prison conditions by building a new primary prison facility to international standards.

In December several prisoners convicted of crimes relating to the protests earlier in the year allegedly began a hunger strike. At year's end, 23 prisoners remained on hunger strike with their condition closely monitored by officials.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Royal Office, part of the cabinet, controls internal and external security and coordinates all intelligence and security policies. Under the Royal Office, the Internal Security Service investigates all matters related to domestic security, and the Sultan's Special Forces have limited border security and antismuggling responsibilities. The Royal Oman Police (ROP), also part of the cabinet, perform regular police duties, provide security at points of entry, serve as the country's immigration and customs agency, and includes the Coast Guard (ROPCG). The Ministry of Defense, and in particular the Royal Army of Oman (RAO), is responsible for securing the borders and has limited domestic security responsibilities. The security forces performed their duties effectively.

Civilian authorities maintained effective control over the Internal Security Service, the Sultan's Special Forces, the RAO, and the ROP.

Arrest Procedures and Treatment While in Detention.—The law does not require police to obtain a warrant before making an arrest but provides that police must either release the person or refer the matter to the public prosecutor. For most crimes, the public prosecutor must formally arrest or release the person within 48 hours of detention. Authorities generally informed detainees promptly of the charges against them. There was a functioning bail system. Detainees generally had prompt access to a lawyer of their choice, and the state provided public attorneys to indigent detainees. Authorities generally allowed detainees prompt access to family mem-

bers, but police sometimes failed to notify a detainee's family, or the detainee's sponsor in the case of an expatriate laborer, of the detention.

Pretrial Detention.—For crimes related to terrorism or national security, a new law allows the police to hold a detainee for up to 30 days without charge, and this law was utilized several times during the year. Court orders are required to hold suspects in pretrial detention. Judges may order detentions for 14 days to allow investigation and may grant extensions. Authorities respected these rights in practice.

Amnesty.—The sultan declared three amnesties for different groups. On February 13 and August 29, he pardoned a total of 195 convicted individuals, both citizens and foreign nationals. On April 20, the sultan pardoned 234 individuals arrested during public protests.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the sultan may act as a court of final appeal and exercise his power of pardon as chairman of the Supreme Judicial Council, the country's highest legal body, which is empowered to review all judicial decisions. While the government generally respected judicial independence, the press questioned government influence in the Azzaman newspaper case, in which two of the newspaper's editors and one government employee were convicted of slander for an article that criticized the undersecretary of justice. Principles of Sharia (Islamic law) inform the civil, commercial, and criminal codes. All cases are tried by either civilian or military court.

Trial Procedures.—The law provides for the right to a fair trial and stipulates the presumption of innocence. Citizens and legally resident noncitizens have the right to a public trial, except when the court decides to hold a session in private in the interest of public order or morals. There is no trial by jury.

Defendants have the right to be present, consult with an attorney in a timely manner, present evidence, and confront witnesses. Courts provide public attorneys to indigent detainees and offer legal defense for defendants facing prison terms of three years or more. The prosecution and defense counsel direct questions to witnesses through the judge. Defendants and their lawyers generally had access to government-held evidence relevant to their cases. Those convicted in any court may appeal a jail sentence longer than three months and fines of more than 480 rials (approximately $1,250). The judiciary generally enforced these rights for all citizens. In contravention to the law, however, some judges occasionally discriminated against female defendants by requesting that they appear in court with their fathers or husbands. In such cases, women could seek redress for such treatment through the courts.

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

Civil Judicial Procedures and Remedies.—Civil procedure codes govern civil cases. Citizens and nonnationals were able to file cases, including lawsuits seeking damages for human rights violations. The judiciary was generally independent and impartial, and court orders were enforced effectively for all persons. The Administrative Court, under the authority of the diwan of the Royal Court, reviews complaints about the misuse of governmental authority. It has the power to reverse decisions by government bodies and to award compensation. Appointments to this court are subject to the approval of the Administrative Affairs Council. The court's president and deputy president are appointed by royal decree based on the council's nomination. Citizens and foreign workers may file complaints regarding working conditions with the Ministry of Manpower for alternative dispute resolution. The ministry may refer cases to the courts if it is unable to negotiate a solution.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law does not require police to obtain search warrants before entering homes, but they often obtained warrants from the Public Prosecutor's Office. The government monitored private communications, including by cell phone, e-mail, and Internet chat room exchanges.

The Ministry of Interior required citizens to obtain permission to marry foreigners, except nationals of Gulf Cooperation Council (GCC) countries, whom Omanis may marry without restriction; permission was not granted automatically. Citizen marriage to a foreigner abroad without ministry approval may result in denial of entry for the foreign spouse at the border and preclude children from claiming citizenship rights. It also may result in a bar from government employment and a 2,000 rial fine (approximately $5,200).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for limited freedom of speech and press. The government generally restricted these rights in practice. Journalists and writers exercised self-censorship.

Freedom of Speech.—The law prohibits criticism of the sultan in any form or medium; "material that leads to public discord, violates the security of the state, or abuses a person's dignity or his rights"; "messages of any form that violate public order and morals or are harmful to a person's safety"; and "defamation of character." Courts interpreted these laws to mean it is illegal to insult any public official, and individuals sometimes were prosecuted for doing so.

Freedom of Press.—Authorities tolerated limited criticism regarding domestic and foreign affairs in privately owned newspapers and magazines, although editorials generally were consistent with the government's views. The government and privately owned radio and television stations did not generally broadcast politically controversial material. There was no permanent international media presence in the country.

Censorship or Content Restrictions.—All content in both public and private media print outlets was subject to an official, nontransparent review and approval process before publication. Journalists and writers exercised some self-censorship, although during the protests in the early part of the year, this self-restriction decreased noticeably.

Libel Laws/National Security.—The government used libel laws and national security concerns as grounds to suppress criticism of government figures and politically objectionable views. Libel was a criminal offense, and laws were strictly enforced with heavy fines and occasional prison sentences imposed by the courts. The government also prohibited publication of any material that "violated the security of the state." A new law prohibits publication of any government documents without prior government approval. A court sentenced Ibrahim al Ma'mari, Yusuf al Haj, and Haroon al Muqaibli to five months in prison for crimes relating to accusations against the minister of justice. Al Ma'mari and al Haj accused the minister of corruption in a series of news articles published in Azzaman newspaper, which the accused edited. Al Muqaibli was the government employee who leaked the information to the newspaper. The newspaper also was ordered to close for one month. The case was under appeal at year's end, and none of the penalties had been applied.

Publishing Restrictions.—The law permits the Ministry of Information to review all media products and books produced within or imported into the country. In the ministry only occasionally prohibited or censored material viewed as politically, culturally, or sexually offensive from domestic and imported publications. There were no major publishing houses in the country, and publication of books remained limited.

Internet Freedom.—The law restricts free speech via the Internet, and the government enforced the restrictions. The government's national telecommunications company and two private telecommunications providers made Internet access available for a fee to citizens and foreign residents. Internet access was available via schools, workplaces, wide area networks at coffee shops and other venues, especially in urban areas.

The Telecommunications Regulatory Authority monitored the activities of telecommunications service providers and obliged them to block access to numerous Web sites considered pornographic, culturally or politically sensitive, or competitive with local telecommunications services. The criteria for blocking access to Internet sites were not transparent or consistent, although Web logs were sometimes blocked. The government blocked popular Web forum "Al Hurra" after its moderators refused to supply them with the IP address of a commentator who had written on a "political subject." The Web site was shut down for a month. Authorities also blocked some Web sites used to circumvent censorship, such as virtual private networks.

The government placed warnings on other Web sites informing users that criticism of the sultan or personal criticism of government officials would be censored and could lead to police questioning, effectively increasing self-censorship.

Web site administrators or moderators were cautious concerning content and were reportedly quick to delete potentially offensive material in chat rooms, on social networking fora, and on Web log postings.

Academic Freedom and Cultural Events.—The government limited academic freedom, particularly the publication or discussion of controversial matters such as domestic politics, through the threat of dismissal. Academics largely practiced self-censorship.

The government censored publicly shown films, primarily for sexual content and nudity. Organizations appeared to avoid controversial issues due to the belief authorities might not approve such events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for limited freedom of assembly, and the government restricted this right in practice. Government approval was necessary for all public gatherings. Authorities enforced this requirement sporadically.

Dozens of public demonstrations and labor strikes occurred throughout the country during the first half of the year. For example, on February 27, police responded to demonstrators in Sohar who were destroying property and committing arson. Police shot into the crowd with rubber bullets and used tear gas. One man died and several were wounded. On April 1, protester Khalifa al-Alawi was killed in Sohar during a clash with security forces using rubber bullets and tear gas against rock-throwing demonstrators. Following this encounter, the security forces dispersed demonstrators who had established long-term sit-ins, one in Salalah and another in Sohar. Although hundreds of people were initially detained, the sultan pardoned the majority before they were charged. Of the 39 eventually charged and prosecuted, all were accused of engaging in violent behavior or illegal weapons possession, with 23 eventually convicted with terms ranging from a few months to five years in prison.

Freedom of Association.—The law provides for freedom of association "for legitimate objectives and in a proper manner." The Council of Ministers limited freedom of association in practice by prohibiting associations whose activities were deemed "inimical to the social order" or otherwise not appropriate, and did not license groups regarded as a threat to the predominant social and political views or the interests of the country. Associations also must register with the Ministry of Social Development, which approves all associations' bylaws. The average time required to register an association was approximately two years, although the process could be as short as two months. Approval time varied based on the level of preparedness of the applying organization and was often longer when a group required significant help from the ministry to formalize its structure. Formal registration of nationality-based associations was limited to one association for each nationality.

No association may receive funding from an international group without government approval. Individuals convicted of doing so for an association may receive up to six months in jail and a fine of 500 rials (approximately $1,300). Heads of domestic NGOs reported that the government periodically asked to review their financial records to confirm sources of funding and required NGOs to inform the government of any meetings with foreign organizations or diplomatic missions.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country and repatriation, and the government generally respected these rights in practice. The law does not specifically provide for foreign travel or emigration. The Office of the U.N. High Commissioner for Refugees (UNHCR) did not visit the country during the year, and it did not maintain an office or personnel in the country. Some humanitarian organizations were restricted in their ability to provide refugees with assistance. Specifically, authorities prohibited the U.N. Children's Fund (UNICEF) from fulfilling the role of UNHRC in its absence, although other entities were allowed to assist refugees.

In-Country Movement.—There were no government restrictions on internal travel for any residents or citizens. Foreigners could not change jobs without first obtaining sponsorship from the new employer.

Foreign Travel.—In 2010 the government removed the requirement that a married woman obtain her husband's consent before receiving a passport. Foreigners working in the country must obtain an exit visa from their employer prior to leaving the country.

Protection of Refugees.—Access to Asylum.—The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The ROP is responsible for determining refugee status but did not grant asylum or accept refugees for resettlement during the year. The ROP's system for granting refugee status was not transparent, and the law does not specify a time frame in which the ROP must adjudicate an asylum application.

Nonrefoulement.—In practice the government did not provide protection against the return of refugees to countries where their lives or freedom would be threatened. Tight control over the entry of foreigners effectively limited access to protection for refugees and asylum seekers. Authorities apprehended and deported hun-

dreds of Somalis, Yemenis, Ethiopians, and Eritreans who sought to enter the country illegally by land and sea in the South, and Afghans and Pakistanis who generally came to the country by boat via Iran in the North. Authorities generally detained these persons in centers in Salalah or the northern port city of Sohar, where they stayed an average of one month before deportation to their countries of origin.

The law provides citizenship at birth if the father is an Omani citizen, if the mother is a citizen and the father is unknown, or if a child of unknown parents is found in the country. The law provides that an adult may become a citizen by applying for citizenship and subsequently residing legally in the country for 20 years, or 10 years if married to a male citizen. During that time he/she cannot reside more than one month of each year outside the country. However, a person seeking naturalization is expected first to give up any previous citizenship.

Women were not allowed to transmit citizenship to their spouses or children.

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

The law does not provide citizens with the right to change their government. The sultan retains ultimate authority on all foreign and domestic issues. With the exception of the military and other security forces, all citizens 21 years old and older have the right to vote for candidates for the Consultative Council. In October the sultan issued a royal decree granting limited legislative authority to the Oman Council, which must either approve or suggest amendments to new laws. Members of the Consultative Council enjoy freedom of speech in their debates on subjects related to their duties.

Elections and Political Participation.—Recent Elections.—On October 15, approximately 60 percent of 518,000 registered voters participated in elections for the Consultative Council. Electoral commissions reviewed potential candidates against a set of objective educational and character criteria (high school education, no criminal history or mental illness) before allowing candidates' names on the ballot. The Ministry of Interior closely monitored campaign materials and events. There were no notable or widespread allegations of fraud or improper government interference in the voting process. The government did not allow independent monitoring of the elections.

Political Parties.—The law does not allow political parties to exist.

Participation of Women and Minorities.—There were 16 women on the 154-seat Council of Oman with one newly elected female member. There were two appointed female ministers, both of whom served in the 29-member cabinet. Women had difficulties participating equally in political life due to conservative social constraints, especially in rural areas.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year, including in the police and other security organizations.

In September a court convicted and sentenced two mid-level officials at the Ministry of Environment and Climate Affairs to prison for their role in the "stone-crushing" case, in which building permits were granted to personal friends and acquaintances rather than on the basis of governmental regulations to protect the environment. In October the undersecretary for justice was replaced, after the newspaper Azzaman accused him of misusing his office to deny a lower ranking official an administrative promotion.

Public officials are not subject to financial disclosure laws.

The law does not provide for public access to government information, although all royal decrees and ministerial decisions were published.

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

No registered or fully autonomous domestic human rights groups existed. There were civil society groups that advocated for persons protected under human rights conventions, particularly women and the disabled. These groups were required to register with the Ministry of Social Development.

U.N. and Other International Bodies.—The government allowed several international organizations to work in the country without interference, including the World Health Organization, and the International Labor Organization.

Government Human Rights Bodies.—The National Human Rights Commission (NHRC), a government-funded commission made up of members from the public,

private, and academic sectors, reported on human rights to the sultan via the State Council. During the year, the commission issued its first human rights report, which it submitted to the U.N. Human Rights Council. It continued investigating 169 human rights complaints it received during the year. The NHRC also began conducting prison visits, and started a community and school outreach program to discuss human rights with students.

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

The law prohibits discrimination against citizens on the basis of gender, ethnic origin, race, language, religion, place of residence, and social class. The government generally enforced prohibitions on most bases of discrimination effectively, but did not do so for discrimination against women.

Women.—Rape and Domestic Violence.—The law criminalizes rape with penalties of up to 15 years in prison, but it does not criminalize spousal rape. The government generally enforced the law when cases were reported, but cultural and societal influences prevented victims from reporting rape. As a result, there was no reliable estimate of the extent of the problem. In 2010, the most recent year for which statistics are available, the police charged 227 individuals with rape or attempted rape. Foreign nationals working as domestic employees occasionally reported that their sponsors or employees of labor recruitment agencies had raped them. According to diplomatic observers, police investigations resulted in few rape convictions, and sponsors repatriated most of women who made the allegations. The law does not specifically address domestic violence. Assault, battery, and aggravated assault carry a maximum sentence of three years in prison. Allegations of spousal abuse in civil courts handling family law cases reportedly were common. Victims of domestic violence may file a complaint with police. Due to societal customs, women often sought private family intervention to protect them from violent domestic situations. Authorities generally enforced the law when they were aware such crimes had occurred.

Sexual Harassment.—The law does not specifically prohibit sexual harassment. In a 2009 study, 11 percent of women surveyed said they had been sexually harassed.

Harmful Traditional Practices.—Although the government prohibits female genital mutilation (FGM) in public hospitals and clinics, there is no law prohibiting private practitioners from performing the procedure. According to press reports, a recent Ministry of Health study on FGM found that men and women across all ages broadly accepted the practice, especially in rural areas, where it was reported to be a common occurrence.

Reproductive Rights.—The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics were able to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There are no legal restrictions on the right to access contraceptives. The government provided free childbirth services to citizens within the framework of universal health care. Prenatal and postnatal care was readily available and used. World Health Organization statistics from 2008 indicated a maternal mortality rate of 20 per 100,000 live births. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV; however, social taboos prevent individuals from seeking treatment.

Discrimination.—Despite legal and some social progress, including the appointment of women as ministers, ambassadors, and senior government officials, some social and legal institutions discriminated against women. The law prohibits gender-based discrimination against citizens. However, some aspects of Islamic law and tradition as interpreted in the country discriminated against women. In some personal status cases, such as divorce, a women's testimony is equal to half of a man's. The law favors male heirs in adjudicating inheritance. Women married to noncitizens may not transmit citizenship to their children and cannot sponsor their noncitizen husband's presence in the country.

Many women were reluctant to take an inheritance or marriage dispute to court for fear of alienating the family. Illiteracy among women 45 years of age and older hampered their ability to own property, participate in the workforce, or inform themselves about their rights.

Women may own property, but government officials and banks applied different standards to female applicants for housing loans, resulting in fewer approvals for women. The law equalizes the treatment of men and women in receiving free government land for housing.

Government policy provided women with equal opportunities for education. Alhough educated women held positions of authority in government, business, and the media, women still faced some job discrimination based on cultural norms. The

law entitles women to such gender-related protections in the workplace as the right to paid maternity leave and equal pay for equal work. The government, the largest employer of women, observed such regulations, as did many private sector employers.

The Ministry of Social Development is the umbrella ministry for women's affairs. The ministry provided support for women's economic development through the Oman Women's Associations and local community development centers. The government also formed a committee to monitor the country's compliance with the U.N. Convention on the Elimination of All Forms of Discrimination against Women.

Children.—Birth Registration.—Citizenship is derived from the father. Women married to noncitizens may not transmit citizenship to their children, yet there were no reported cases of statelessness. Most births were registered promptly, although authorities granted birth certificates and identification paperwork to children born with nontraditional Omani names only after an unclear and lengthy civil appeals process.

Education.—Primary school education for citizen children was free and universal, but not compulsory.

Harmful Traditional Practices.—There is no law against female genital mutilation (FGM), although the practice is prohibited in public hospitals and other public health centers. FGM remains widespread, however, and is widely condoned, according to a 2010 Ministry of Health study. In the southern Dhofar region, FGM is performed on newborns and involves a partial or total clitoridectomy (Type I as defined by the World Health Organization). Throughout the rest of the country, FGM usually consists of a minor cut made on the clitoris (Type IV). The practice is usually carried out by persons with no medical training.

Sexual Exploitation of Children.—Commercial sexual exploitation of children and child pornography are punishable by no less than five years' imprisonment. All sex outside of marriage was illegal, and there was no minimum age for marriage, but sex with a minor under 15 years of age carried a heavier penalty (up to 15 years' imprisonment), and the minor was not charged. Children under 18 were not widely used for prostitution, and the country was not a destination for child sex tourism.

International Child Abductions.—Oman is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's l report on country-specific information at http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—There was no Jewish population, and there were no reports of anti-Semitic acts or public statements by community or national leaders vilifying Jews. Anti-Semitism was present in the media. Anti-Semitic editorial cartoons depicting stereotypical and negative images of Jews, along with Jewish symbols, were published during the year. One overtly anti-Semitic article appeared in privately owned newspaper Times of Oman.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law provides persons with disabilities, including physical, sensory, intellectual, and mental disabilities, the same rights as other citizens in employment, education, access to health care, or the provision of other state services. However, persons with disabilities continued to face some discrimination. The law mandates access to buildings for persons with disabilities, but many older buildings, including government buildings and schools, were not retrofitted to conform to the law. The law also requires private enterprises employing more than 50 persons to reserve at least 2 percent of positions for persons with disabilities. In practice this regulation was not widely enforced.

There is no protective legislation to provide for equal educational opportunities for persons with disabilities.

The Ministry of Social Development is responsible for protecting the rights of persons with disabilities. During the year the government partnered with NGOs and the private sector to address the needs of persons with disabilities and combat cultural and societal discrimination against such persons through special seminars and vocational training. The government provided alternative education opportunities for more than 500 children with disabilities, including overseas schooling when appropriate; this was largely due to lack of capacity within the country. In addition, the Ministry of Education in the past partnered with the International Council for Educational Reform and Development to create a curriculum for students with mental disabilities within the standard school system, which was in place throughout the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Gay, lesbian, bisexual, and transgender (LGBT) persons faced discrimination under the law and in practice. Social norms also re-enforced discrimination against LGBT persons. The penal code criminalizes consensual same-sex sexual conduct with a jail term of six months to three years. There were no reports of prosecutions for during the year, although nine prosecutions for sodomy occurred in 2009, the most recent year for which statistics are available.

The discussion of sexual orientation and gender identity in any context remained a social taboo, and authorities took steps to block LGBT-related Internet content. There was no official or overt societal discrimination based on sexual orientation or gender identity in employment, housing, or access to education or health care.

Other Societal Violence or Discrimination.—There were no reports of societal violence against persons with HIV/AIDS. Foreigners seeking residence in the country are tested for HIV; they are denied a visa if they are HIV positive.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law recognizes workers' right to form unions and one general federation to represent unions in regional and international fora. The law prohibits members of the armed forces, other public security institutions, government employees, and domestic workers from forming or joining unions. At year's end, according to the Ministry of Manpower, there were nearly 150 unions at the enterprise level and one government-funded general federation of unions.

The government restricted union activities. The law permits only one general federation of unions. The law prohibits unions from accepting grants or financial assistance from any source without the ministry's prior approval. Unions must notify the government at least one month in advance of union meetings, although this requirement was not enforced.

Workers have the right to strike, but strikes are subject to certain requirements. The law requires an absolute majority of an enterprise's employees to approve the strike, and notice must be given to employers three weeks in advance of the intended strike date, although the government did not enforce this law in practice. Strikes occurred frequently and were generally resolved quickly, sometimes through government mediation.

The law allows for collective bargaining, and regulations require employers to engage in collective bargaining on the terms and conditions of employment, including wages and hours of work. In cases where there is no trade union, collective bargaining may take place between the employer and five representatives selected by workers. The employer may not reject any of the representatives selected. While negotiation is ongoing, the employer may not act on decisions related to issues under discussion. The law prohibits employers from firing or imposing penalties on employees for union activity. Unions are open to all legal workers regardless of nationality.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. There were reports that adult forced labor occurred. Some men and women from South and Southeast Asia, most of whom migrated voluntarily to the country as domestic servants or low-skilled workers in the construction, agriculture, and service sectors, faced working conditions indicative of forced labor. Reports included instances of passports being withheld, restrictions on movement, nonpayment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Some employers of domestic workers, contrary to the law, continued to withhold documents releasing the workers from employment contracts or demanded release fees totaling as much as 600 rials (approximately $1,560) before allowing the workers to change employers.

All foreign workers must be sponsored by an Omani employer. It was sometimes difficult for an employee to change sponsors.

The government's labor inspectors performed random checks of worksites to ensure compliance with all labor laws and had arrest authority for the most egregious violations. The government provided an alternative dispute resolution mechanism through the Ministry of Manpower, which acted as mediator between the employer and employee for minor disputes such as disagreement over wages. If not resolved to the employee's satisfaction, he or she could, and often did, resort to the courts for relief.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits all child labor. The minimum age for employment is 15 years, or 18 years

for certain hazardous occupations. Children between the ages of 15 and 18 may only work between the hours of 6 a.m. and 6 p.m. and are prohibited from working for more than six hours per day on weekends or on holidays.

No instances of child labor were reported in the formal sector, where the Ministry of Manpower generally effectively enforced the law. Minor violations resulted in warnings, and employers were given time to correct practices; however, significant violations may result in immediate arrests. In practice, enforcement often did not extend to small family businesses that employed underage children, particularly in the agricultural and fishing sectors.

d. Acceptable Conditions of Work.—The minimum wage for citizens of 200 rials (approximately $520) per month did not provide a decent standard of living for a worker and family. Approximately 2.5 percent of citizens were unable to work and received government assistance. Minimum wage regulations did not apply to a variety of occupations and businesses, including small businesses employing fewer than five persons, dependent family members working for a family firm, some categories of manual laborers, and foreign workers.

The private sector workweek was 45 hours and included a two-day rest period following five consecutive days of work. Government workers had a 35-hour workweek. The law mandates overtime pay for hours in excess of 45 per week. Government regulations regarding hours of employment were not always enforced, especially for foreign workers. Employees who worked extra hours without compensation could file a complaint with the Ministry of Manpower's Directorate of Labor Care.

The law states an employee may leave dangerous work conditions without jeopardy to continued employment if the employer was aware of the danger and did not implement corrective measures. Employees covered under the labor law may receive compensation for job-related injury or illness through employer-provided medical insurance.

The ministry effectively enforced the minimum wage for citizens. There was no minimum wage for noncitizens, although embassies generally would not attest contracts for their nationals if they believed the salary to be below market standards.

There were reports that migrant laborers in some firms and households worked more than 12 hours a day for as little as 30 rials (approximately $78) per month.

Domestic workers are not covered under the labor law, but separate domestic employment regulations obligate the employer to provide domestic workers with free local medical treatment throughout the contract period. There are no maximum work hour limits, nor any mandatory rest periods, although the contract between the employer and worker can specify such requirements. Penalties for noncompliance with health regulations are small, ranging from approximately 10 to 100 rials ($26 to $260), multiplying per occurrence per worker and doubled upon recurrence.

The ministry processed complaints and acted as mediator. In a majority of cases, the plaintiff prevailed, gaining compensation, the opportunity to seek alternative employment, or return to their country of origin in the case of foreign laborers. The ministry was generally effective in cases regarding minor labor disputes; however, it did not refer any egregious violations to the courts during the year.

Employers often cancelled the employment contracts of seriously sick or injured foreign workers, forcing them to return to their countries of origin.

Approximately 180 inspectors from the Department of Health and Safety of the Labor Care Directorate generally enforced the health and safety codes and made regular on-site inspections as required by law to private sector work-sites.

QATAR

EXECUTIVE SUMMARY

Qatar is a constitutional monarchy in which Emir Sheikh Hamad bin Khalifa al-Thani exercises full executive power. The population is approximately 1.76 million, of whom approximately 250,000 are citizens. The 2005 constitution provides for hereditary rule by the Emir's male branch of the al-Thani family. Sharia (Islamic law) is a primary source of legislation. Security forces reported to civilian authorities.

The principal human rights problems were the inability of citizens to peacefully change their government, restriction of fundamental civil liberties, and pervasive denial of workers' rights. Despite the constitution's establishment of the right of association, the monarch-appointed government prohibited organized political life and restricted civil liberties, including freedoms of speech, press, and assembly and access to a fair trial for persons held under the Protection of Society Law and Combating Terrorism Law.

Other continuing human rights concerns included restrictions on freedom of religion and movement, as foreign laborers could not freely travel abroad. Trafficking in persons, primarily in the labor and domestic worker sectors, was a problem. Legal, institutional, and cultural discrimination against women limited their participation in society. The unresolved legal status of "Bidoons" (stateless persons with residency ties) resulted in social discrimination against these noncitizens.

The government took steps to prosecute those who committed abuses, and there were no cases of impunity reported.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them. The government conducted training for law enforcement and military personnel that focused on the prohibition of torture.

The government interprets Sharia as allowing corporal punishment for certain criminal offenses. Courts ordered flogging prescribed by interpretation of Sharia in cases of alcohol consumption and extramarital sex by Muslims. On appeal the court typically reduced this sentence to imprisonment or fine. Authorities reportedly did not carry out corporal punishment during the year.

Prison and Detention Center Conditions.—Prisons and detention centers generally meet international standards, including clean sanitation facilities and potable water. Prisoners and detainees generally had access to visitors, although prison officials limited access to family and legal counsel at the state security prison. According to past reports of detainees at the state security prison and visits by the National Human Rights Committee (NHRC) chairman, "security" prisoners did not face significantly different conditions from those of the general population. Authorities allowed prisoners and detainees to submit complaints to judicial and administrative authorities without censorship and to request investigation of credible allegations of inhumane treatment. According to authorities they investigated allegations, but the results were not public.

The government permits monitoring visits in accordance with the standard modalities to all facilities except the state security prison by independent human rights observers and international bodies. The last reported visit by an international human rights organization to a Qatari detention center was by the International Red Cross to the Deportation Detention Center (DDC) in July. The government occasionally provided embassies access to state security prisoners at separate locations. The government-appointed NHRC conducted regular visits to all facilities. Ombudsmen cannot serve on behalf of prisoners and detainees.

There were approximately 600-700 prisoners at the Central Prison, the principal facility for convicted criminals, and 500 detainees awaiting trial in various detention centers throughout the country. The NHRC reported that the DDC held an estimated 1,100 male and 300 female detainees. Separate facilities exist for men and women, pretrial detainees and convicted prisoners, and juveniles and adults. The Ministry of Social Affairs has authority over juvenile detainees and held them separately under the supervision of a social worker. There was an average of only five or six juveniles held at any given time. Conditions for women prisoners were the same as those for men. In certain cases, fines, community service, and probation are used for nonviolent offenders in lieu of prison sentences. There were no reported efforts to improve record-keeping in the prison system.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Authorities may detain individuals in the state security prison for indefinite periods under the Protection of Society and Combating Terrorism Law. Processing speed for deportations increased for most DDC detainees during the year, with the period of detention ranging from two days to two months. On July 12, the government announced a limit of two months' detention for all DDC detainees except those facing additional criminal charges.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police under the Ministry of Interior and state security forces, and the government employed effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—Criminal law requires that persons be apprehended openly with warrants based on sufficient evidence and

issued by a duly authorized official, be charged within 24 hours, and be brought before a court without undue delay. Authorities generally respected this in practice for criminal law cases. The state security service can arrest and detain suspects for up to 30 days without referring them to the public prosecutor.

However, the Protection of Society Law and Combating Terrorism Law provide exceptional procedures that permit detention without charge for as long as 15 days, renewable for up to six months. The Protection of Society Law permits an additional six months' detention without charge with approval of the prime minister, who can extend the detention indefinitely in cases of threats to national security. This law empowers the minister of interior to detain persons suspected of crimes related to national security, honor, or impudence. Decisions under this law are subject to appeal by the prime minister only. Although generally unused, a provision of this law permits the prime minister to adjudicate complaints against these detentions. The Combating Terrorism Law permits a second six-month period of detention with approval from the Criminal Court, which can extend the detention indefinitely with review every six months.

In most cases a judge may order a suspect released, remanded to custody to await trial, held in pretrial detention pending investigation, or released on bail. Although suspects are entitled to bail (except in cases of violent crimes), it was used infrequently in practice. Authorities were more likely to grant citizens bail than noncitizens. Noncitizens charged with minor crimes may be released to their citizen sponsor, although they cannot leave the country until the case is resolved.

The accused is entitled to legal representation throughout the process and prompt access to family members in non-security cases. There are provisions for state-funded legal counsel for indigent prisoners in criminal cases, and this requirement was generally honored in practice. Authorities generally afforded suspects detained under the Protection of Society Law and Combating Terrorism Law access to counsel but delayed access to family members.

All suspects except those detained under the Protection of Society Law or the Combating Terrorism Law must be presented before the Public Prosecutor within 24 hours of arrest. If the Public Prosecutor finds sufficient evidence for further investigation, a suspect can be detained for up to 16 days before charges must be filed in the courts. Judges may also extend pretrial detention for one month, extendable by one month at a time up to six months, to provide authorities additional time to conduct investigations.

Arbitrary Arrest.—The law prohibits arbitrary arrest and detention and, with few exceptions, the government observed these prohibitions. There were reports of individuals detained without formal charges by security agencies on allegations of terrorist financing as stipulated by the Counter-Terrorism Law.

Pretrial Detention.—With few exceptions, nearly all suspected criminals go to trial within a month of arrest. The Permanent Committee on Examining the Conditions of Inmates at the DDC is charged with reviewing and acting on the cases of those in custody for two months or longer.

Amnesty.—During Ramadan and on Qatar's National Day, the Emir granted amnesty to 140 prisoners, including 37 citizens and 103 noncitizens. Unlike in previous years, there were no reports that the Emir pardoned prisoners on National Human Rights Day.

e. Denial of Fair Public Trial.—Although the constitution provides for an independent judiciary, the Emir, based on the recommendation of the Supreme Judicial Council, appoints all judges, who hold their positions at his discretion. Approximately 75 percent of the judges were foreign nationals dependent on residency permits. During the year there were no reports of influence or corruption in the courts. Suspects held in pre-trial detention under the Protection of Society Law and Combating Terrorism Law had limited access to the legal system, including a fair trial.

Trial Procedures.—The law provides for the right to a fair trial for all citizens, and the judiciary generally enforced this right, except for suspects held under the Protection of Society Law and Combating Terrorism Law.

The law provides defendants the presumption of innocence. Trials are by jury and open to the public, but the presiding judge can close the courtroom to the public if he deems the case to be sensitive.

Defendants are entitled to legal representation at public expense throughout the pretrial and trial process. In matters involving family law, Shia and Sunni judges may apply their interpretations of Sharia for their groups. There were 164 Sunni judges, in addition to one Shia judge for the small Shia population.

Defense attorneys have access to government-held evidence relevant to their cases, once the case has been filed in the court. Defendants have the right to confront and question witnesses against them and to present witnesses and evidence

on their own behalf. Defendants have the right of appeal within 15 days of a decision, and use of the appellate process was common in practice.

The high fee for appealing to the Court of Cassation in practice restricted the right to appeal. In some cases the courts waived the appellate fees if the appellant demonstrated financial hardship.

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

Civil Judicial Procedures and Remedies.—There are civil remedies available for those seeking damages for, or cessation of, human rights violations, but there were no cases reported during the year. The law specifies circumstances that necessitate a judge's removal from a case for conflict of interest, and these laws were observed in practice.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the criminal procedures code prohibit such actions, and the government generally respected these prohibitions in practice; however, police and security forces reportedly monitored telephone calls and e-mails. The government prohibits membership in political organizations.

Citizens must obtain government permission, which was generally granted, to marry foreigners. Male citizens may apply for residency permits and citizenship for their foreign wives, but female citizens can apply only for residency for their foreign husbands, not citizenship.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press in accordance with the law, but the government limited these rights in practice.

Freedom of Speech.—Citizens individually discussed sensitive political and religious issues, but not in public forums or as part of political associations, which do not exist. Members of the much larger foreign population did not express themselves publicly on sensitive topics. During the year the government-supported Qatar Foundation continued to fund the "Doha Debates," a series of public debates broadcast by the BBC featuring citizens and noncitizens speaking about international (but not domestic) topics, such as whether NATO or Arabs should deal with Libya and whether the Arab revolutions will produce different dictators.

Freedom of Press.—The law provides for restrictive procedures on the establishment of newspapers, closure, and confiscation of assets of a publication. It also criminalizes libel and slander, including injury to dignity. All print media were owned by members of the ruling family or proprietors who enjoyed close ties to government officials. There were no independent broadcast media, and state-owned television and radio reflected government views. The government owned the Doha-based, Arabic-language al-Jazeera satellite television network, which carried international news and local news with an international component. Although al-Jazeera management and the government claimed that the channel was free of government influence, the government funded it, controlled content, and hired and fired the management.

Violence and Harassment.—In at least one case, the authorities contacted a reporter with a warning after the reporter published an article critical of the government.

Censorship or Content Restrictions.—Journalists and publishers continued to self-censor due to political and economic pressures when reporting on government policies or material deemed hostile to Islam, the ruling family, and relations with neighboring states. The Qatar Radio and Television Corporation and customs officials censored material. There were no specific reports of political censorship of foreign broadcast news media or foreign programs. The government reviewed and censored foreign newspapers, magazines, and books for objectionable sexual, religious, and political content. Local news vendors reported that Egyptian newspapers, such as al-Ahram, "were critical of Qatar and were occasionally censored or not allowed in the country."

Internet Freedom.—The Ministry of Culture restricted the peaceful expression of views via the Internet and censored the Internet for political, religious, and pornographic content through a proxy server, which monitored and blocked Web sites, e-mail, and chat rooms through the state-owned Internet service provider. For example, the government blocked access to the popular blog "Ikhbareya," which at times published articles critical of the government. A user who believed a site was mistakenly censored could submit the Web address to have the site reviewed for suitability; there were no reports that any Web sites were unblocked based on this pro-

cedure. The Ministry of Culture is responsible for monitoring and censoring objectionable content on the Internet. There was no evidence that the government prosecuted or punished anyone or attempted to collect, request, obtain, or disclose the personally identifiable information in connection with persons' peaceful expression of political, religious, or ideological opinion or belief.

Academic Freedom and Cultural Events.—The constitution provides for freedom of expression and scientific research according to the conditions and circumstances stipulated by law. In practice instructors at Qatar University noted that they often exercised self-censorship. Instructors at foreign-based universities operating in the country reported enjoying academic freedom. There were no reported government restrictions on cultural events, although some groups organizing cultural events reported that they exercised self-censorship. Films were censored for political, religious, and sexual content and for vulgar and obscene language.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for, but strictly regulates, freedom of assembly. Organizers must meet a number of restrictions and conditions to acquire a permit for a public meeting. For example, the Director General of Public Security at the Ministry of Interior must give permission for a meeting, a decision which is subject to appeal to the minister of interior, who has the final decision. There were no demonstrations by citizens, but Egyptian, Libyan, and Syrian expatriates demonstrated peacefully near their embassies in conjunction with the "Arab Spring." Authorities approved permits for these protests and did not intervene.

Freedom of Association.—The constitution provides for the right to form groups, defined by the Consultative Council as professional associations and private institutions, but the government limited this right in practice. A total of 23 professional and private organizations existed, the majority of which were charities. They are prohibited from engaging in political matters or affiliating internationally and must obtain approval from the Ministry of Social Affairs, which can deny their establishment if it deems them a threat to the public interest. There are no organized political parties or politically oriented associations.

Administrative obstacles, including the slow pace of procedures required to form such associations and institutions and strict conditions on their establishment, management, and function restricted the recognition of these groups. The Minister of Social Affairs must approve applications, and the number of noncitizens cannot exceed 20 percent of the total membership without approval by the ministerial cabinet. Only one organization applied to form a professional society during the year; the application was pending at year's end. During the year the government approved one new nongovernmental organization (NGO), a charitable organization.

Professional societies must pay 50,000 riyals (approximately $13,750) in licensing fees, 10,000 riyals ($2,750) in annual fees and, since 2010, must have 10 million riyals ($2.75 million) in capital funds. Private institutions must also have 10 million riyals in capital funds, but this requirement can be waived by the Council of Ministers. Registrations expire after three years, after which an association must reregister.

Informal organizations, such as community support groups and activity clubs, operated without registration, but they may not engage in activities deemed political.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the government did not fully respect this right in practice. The Office of the U.N. High Commissioner for Refugees (UNHCR) generally did not ask the government to assist internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement.—The only restrictions on in-country movement for citizens concerned sensitive military, oil, and industrial installations. Although there was less emphasis on setting and enforcing "family times" at entertainment areas in Doha, several local malls and souks continued to restrict access to certain areas to foreign workers on weekends. Police also restricted foreign workers' access to National Day celebrations on the corniche.

Foreign Travel.—The government prevents the travel of its citizens only when they are involved in ongoing court cases. The government severely restricted foreign travel for noncitizens, which principally affected foreign workers. All noncitizens require an exit permit from their employers to leave the country. Although the law provides an administrative procedure for obtaining an exit permit without an em-

ployer's approval, the process was burdensome. Foreign embassies reported that the process was ineffective, and they continued to receive requests to mediate disputes concerning exit permits between foreign workers and their sponsors. The law outlaws the practice of employers withholding workers' passports, but it remained a common problem due to insufficient enforcement.

Protection of Refugees.—Access to Asylum.—The law does not explicitly provide for the granting of asylum or refugee status, but in practice the government occasionally accepted such individuals as "guests." The small number of persons granted residence on humanitarian grounds were legally classified as immigrants.

Nonrefoulement.—The constitution prohibits the extradition of political refugees. The government generally provided protection against the expulsion or forcible return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

However, on June 2, a Libyan woman was forcibly deported to Benghazi, Libya; she had fled after allegedly being gang-raped by Libyan progovernment forces in Tripoli in March. A spokesman for the UNHRC, which had recognized her as a refugee, said that it considered her forced return a violation of international law by Qatar. The UNHRC was ready to transport her to a safe facility in Europe. Government officials ignored requests from the UNHRC and diplomatic representatives to avoid returning her to Libya. Government officials offered no public explanation for the deportation other than to note that she overstayed her visa.

Stateless Persons.—Citizenship derives solely from the father. Women do not transmit citizenship to their children, even if the parents are married and the child is born in the country. A woman must obtain permission from authorities before marrying a foreign national, but she does not lose citizenship upon marriage.

According to the NHRC, there were approximately 300-400 "Bidoon" residents (stateless persons with residency ties) in the country. They suffered social discrimination, but not legal discrimination, based upon their lack of nationality. The Bidoon were able to register for public services such as education and health care.

The government provides a legal means for long-term residents to acquire citizenship; in practice, restrictions and uneven application of the law prevented stateless persons from acquiring citizenship. The law allows a maximum of 50 noncitizen residents per year to apply for citizenship after residing in the country for 25 consecutive years.

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

The constitution provides for hereditary rule by the Emir's branch of the al-Thani family and does not provide citizens the right to change their government peacefully through elections. The Emir exercises full executive powers, including appointment of cabinet members. The Consultative Council, whose members the Emir appointed, plays an advisory role only. The constitutional provision for initiation of legislation by the Consultative Council remained unimplemented. The influence of family and tribal traditions was strong, and the government did not permit political parties or opposition groups.

Elections and Political Participation.—Recent Elections.—On May 10, citizens elected the 29 members of the fourth Central Municipal Council to four-year terms. The Council advises the Minister of Municipality and Urban Affairs on local public services. Diplomatic missions noted no apparent irregularities in the elections. There were an estimated 120,000 eligible voters, but only 41 percent of the 32,700 registered voters participated.

Voting is open to all citizens who are at least 18 years of age and who have been naturalized for at least 15 years.

In November, the Emir announced national elections would be held in late 2013 for 30 of the 45 members of the Consultative Council after its current term ends.

Political Parties.—The government did not permit the organization of political parties.

Participation of Women and Minorities.—Although traditional attitudes and roles continued to limit women's participation in politics, women served in public office as chair of the Qatar Foundation, vice president of the Supreme Council for Family Affairs (SCFA) with ministerial rank, secretary general of the SCFA, head of the General Authority for Museums, ambassador to the U.N. mission in Geneva, and president of Qatar University. One woman served on the Central Municipal Council and there were two female judges on the Court of First Instance.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption and the government generally implemented these laws effectively. There were no reported cases of government corruption during the year. Public officials were not subject to financial disclosure laws.

The National Committee for Accountability and Transparency has been responsible for combating corruption since its establishment in 2007. On December 2, the Emir announced the creation of a new Administrative Control and Transparency Authority, headed by a deputy prime minister, to track ministries and probe claims of abuses of power or funds. Its mandate entails probing the misuse of public funds and investigating complaints against government officials. The agency may also have access to banking details, in cases that allege money laundering activities.

The law does not provide for access to government information beyond the requirement that the government publish laws in the official gazette. Information on the government such as on the budget, expenditures, or draft laws was generally not available.

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

The three NGOs operating in the country whose charters indicated an interest in human rights were all funded by the government and responsive to its influence. These included the NHRC, Qatar Foundation for Combating Human Trafficking (QFCHT), and Qatar Foundation for Protecting Women and Children (QFPWC). They cooperated with the government, rarely criticized it, and did not engage in political activity.

No international NGO focusing on human rights or humanitarian issues was registered in the country.

Government Human Rights Bodies.—The government-funded and -appointed NHRC investigated local human rights conditions. The NHRC reported that it handled 296 petitions for assistance during the preceding 12 months, 182 of which were from Qataris and 114 from non-Qataris. During the year the NHRC issued a report on the status of human rights covering 2010.

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

The constitution prohibits discrimination based on nationality, race, language, religion, and disability but not gender or social status. In practice, Qatari custom outweighed government enforcement of nondiscrimination laws, and legal, cultural, and institutional discrimination existed against women, noncitizens, and foreign workers.

Women.—Rape and Domestic Violence.—The law criminalizes rape, but does not address spousal rape. There were publicized cases of rape involving foreigners, but none were reported involving citizens. The penalty for rape is life imprisonment, regardless of the age or gender of the victim. If the perpetrator is a relative, teacher, guardian, or caregiver of the victim, the penalty is death. The government enforced the law against rape, but victims feared social stigma and underreported the crime.

There is no specific law criminalizing domestic violence. According to the NHRC, domestic violence may be prosecuted under the criminal law that provides a general prohibition against violence. According to the quasi-governmental QFPWC, domestic violence against women continued to be a problem. There were neither arrests nor convictions for family domestic violence among citizens publicized in the press, although there were reports of cases involving noncitizens. During the year, 406 cases of domestic abuse against women were reported to the foundation. There was no reported data on sexual abuse provided by foreign embassies.

The SCFA operated a shelter under the supervision of the QFPWC to accommodate abused women and children. During the year the shelter accommodated 20 women and six children. The shelter provided a variety of services, including financial assistance, legal aid, and psychological counseling.

Sexual Harassment.—Sexual harassment is illegal and carries penalties of imprisonment or fines. In some cases sponsors sexually harassed and mistreated foreign domestic servants. Most domestic servants did not press charges for fear of losing their jobs. The QFCHT reported seven cases of sexual harassment, four of which were ultimately resolved outside of court, one that was dismissed by prosecutors, and two that were pending before the court. When the domestic employees brought harassment to the attention of authorities, the employees were occasionally deported and no charges were filed against the employer.

Reproductive Rights.—There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spac-

ing, and timing of their children and to have the information and means to do so free from discrimination or coercion. There was no direct government support for access to means of contraception, but contraceptives were freely available without a prescription. Licensed medical professionals attended mothers at birth, and maternal care was readily available. Men and women had equal access to treatment for sexually transmitted diseases.

Discrimination.—The constitution asserts the principle of equality between citizens in rights and responsibilities, but legislation such as the Housing Law and the Nationality Law undermine this principle of equality with regard to women. The law governing the generous government housing system was generally applied fairly in practice and provides significant protection to women, with the exception of citizen women divorced from noncitizen men. The Housing Law requires the passage of five years' residency from the date of divorce for these citizen women to obtain their housing entitlement. Under the Nationality Law, citizen women faced legal discrimination in obtaining and transmitting citizenship for their noncitizen husbands and their children, respectively.

Traditions and interpretation of Sharia also significantly disadvantage women in family, property, and inheritance law and in the judicial system generally. For example, a non-Muslim wife does not have the automatic right to inherit from her Muslim husband. She receives an inheritance only if her husband wills her a portion of his estate, and even then is eligible to receive only one-third of the total estate. The proportion that women inherit depends upon their relationship to the deceased; in the cases of siblings, sisters inherit only one-half as much as their brothers. In cases of divorce, young children usually remain with the mother, regardless of her religion, unless she is found to be unfit. Women who are granted guardianship over their children by law receive their financial rights and associated right of residence.

Women may attend court proceedings and may represent themselves, but a male relative generally represented them. In cases involving financial transactions, the testimony of two women equals that of one man, but courts routinely evaluated evidence according to the overall credibility of the witness and the testimony being offered and not on the basis of gender.

A non-Muslim woman is not required to convert to Islam upon marriage to a Muslim, but many make a personal decision to do so. Children born to a Muslim father are considered Muslims. Men may prevent adult female family members from leaving the country, but only by seeking and securing a court order. During the year, there were no reports that women older than 18 years of age were prevented from traveling abroad.

According to the Qatar Chamber of Commerce and Industry, women constituted approximately 13 percent of business owners, mainly operating design companies, fashion establishments, training centers, and beauty centers. Women served in the workforce as university professors, public school teachers, and police. Women served as professionals in government service, education, health, and private business. Women received equal pay for equal work, but often lacked access to some positions and did not receive equal allowances for transportation, housing, and subsistence.

There is no specialized government office devoted to women's equality, but the SCFA and NHRC continued their efforts to improve the status of women and the family under both civil and Islamic law. The councils contributed to a number of national and international conferences, studies, and reports on the status of women in the country, as well as the drafting of legislation affecting women and children. During the year the SCFA and NHRC made a recommendation to the ministerial council to provide equal rights to children of female citizens married to noncitizens in the areas of health, education, employment, and housing.

Children.—Birth registration.—Citizenship is derived from one's father. The government generally registered all births immediately.

Education.—The government provides more for the welfare of citizen than noncitizen children. Education was free and compulsory for all citizens through the age of 18 or through nine years of education, whichever comes first. Education is compulsory for noncitizen children, but they pay a nominal fee.

Child Abuse.—There was no societal pattern of child abuse, although there were some cases of family violence and physical and sexual abuse. The QFPWC reported that, during the year, it received 172 cases involving abuse of children.

Child Marriage.—The minimum age for marriage is 18 years for boys and 16 years for girls. Marriage of persons below these ages is not permitted except in conformity with Qatari religious and cultural norms. These norms include the need to obtain consent from the legal guardian to ensure that both prospective partners con-

sent to the union and apply for permission from a competent court. There were rare instances of child marriage in the Bedouin community.

Sexual Exploitation of Children.—There is no specific law establishing a minimum age for consensual sex. By law, sex is prohibited outside of marriage (see Child Marriage above). In the criminal law, the penalty for sexual relations with a person younger than 16 years old is life imprisonment. If the individual is the relative, guardian, caretaker, or servant of the victim, the penalty is death. There is no specific law prohibiting child pornography as all pornography is prohibited, but the antitrafficking in persons law passed in October specifically criminalizes the commercial sexual exploitation of children.

The QFPWC conducted awareness campaigns on the rights of the child and maintained a special hotline that allowed both citizen and noncitizen children to call with questions and concerns ranging from school, health, and psychological problems to concerns about sexual harassment. This hotline operated in conjunction with the family abuse hotline; statistics on use were not available.

International Child Abductions.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The country does not have an indigenous Jewish community; the few Jews in the country were foreigners with no restrictions on traveling or working. On occasion, in response to political events in the region, some of the country's privately owned Arabic-language newspapers carried cartoons depicting offensive caricatures of Jews and Jewish symbols and editorial comparisons of Israeli leaders and Israel to Hitler and the Nazis. These occurred primarily in the daily newspapers al-Watan, al-Sharq, al-Arab, and al-Raya and drew no government response.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against and requires the allocation of resources for, persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and other state services or other areas. There was no underlying pattern of abuse at education facilities, mental health facilities, or prisons. The government is charged with acting on complaints from individuals and the NHRC and enforcing compliance. The law requires that 2 percent of jobs in government agencies and public institutions be reserved for persons with disabilities. Private sector businesses employing a minimum of 25 persons are required to hire persons with disabilities. Employers who violate these employment provisions are subject to fines. There were no reports of violations during the year.

Private and independent schools in general provided most of the required services for students with disabilities, but government schools did not. Few public buildings met the required standards of accessibility for persons with disabilities, and new buildings generally did not comply with standards. The SCFA is charged with ensuring compliance with the rights and provisions mandated under the law, but compliance was not effectively enforced.

National/Racial/Ethnic Minorities.—Legal and social discrimination against noncitizen workers was a problem. The government distinguished between citizens and noncitizens in employment, education, housing, and health services. Noncitizens were required to pay for electricity, water, and some secondary and higher education (services provided without charge to citizens). Noncitizens were eligible for medical coverage at a nominal fee. Noncitizens generally could not own property, but the law provides for property ownership in three designated areas. Cultural, linguistic, and religious differences and divergent economic status accentuated social discrimination between citizens and migrant workers. "Bidoons" also endured social discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits same-sex sexual conduct between men but is silent on same-sex relations between women. Under the criminal law, a man convicted of having sexual relations with another man or boy younger than 16 years old is subject to a sentence of life in prison. A man convicted of having same-sex sexual activity with another man older than 16 is subject to a sentence of seven years in prison. There were an unknown number of cases before the courts during the year. There were no lesbian, gay, bisexual, or transgender (LGBT) organizations in the country. During the year, no violence was reported against LGBT persons, but there was an underlying pattern of discrimination toward LGBT persons based on cultural and religious values prevalent in the society.

Other Societal Violence or Discrimination.—There was discrimination against HIV-infected patients. HIV-positive foreigners, whose condition was typically diag-

nosed during their medical examinations upon arrival in the country, were deported. HIV-positive citizens were quarantined and received treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law permits worker organizations in private enterprises that have 100 citizen workers 18 years of age and older. The law grants these workers the rights to strike and bargain collectively. The law prohibits those working in the public sector from forming and joining unions. However, the law also makes the exercise of these rights difficult. Noncitizens are not eligible to form worker committees, and foreign workers may only be members of joint labor-management committees.

The labor code allows for only one trade union: the General Union of Workers of Qatar, which consisted of general committees for workers in various trades or industries. A general committee must have 100 or more members. These trade or industry committees in turn are composed of worker committees at the individual firm level. The law forbids worker organizations from affiliating with groups outside the country.

Although the law recognizes the right to strike, restrictive conditions made the likelihood of a legal strike extremely remote. Civil servants and domestic workers cannot strike; the law also prohibits strikes at public utilities and health or security service facilities, which include the gas, petroleum, and transport sectors. The law requires approval for a strike by three-fourths of a company's workers committee. Such committees are composed of an equal number of representatives from management and labor, making it practically impossible for labor to gain a strike authorization. The Labor Department of the Ministry of Civil Service must rule on all industrial disputes before workers can call a strike. Foreign embassies reported several cases in which they intervened to resolve labor disputes reported by their nationals working in the country.

In the past the government responded to labor unrest by dispatching large numbers of police to the work sites or labor camps involved; the strikes generally ended peacefully after these shows of force. In most cases the government summarily deported the workers' leaders and organizers.

The government circumscribed the right to bargain collectively through control over the rules and procedures of the bargaining and agreement processes. Employees could not freely practice collective bargaining, and there were no workers under collective bargaining contracts.

Local courts handled disputes between workers and employers. In practice foreign workers avoided drawing attention to problems with their employers due to fear of retaliation and deportation. The Human Rights Office at the Ministry of Interior served as the point of contact for the complaints of foreign workers, who were mostly from South and South East Asia.

b. Prohibition of Forced or Compulsory Labor.—On October 23, the government enacted an antitrafficking in persons (TIP) law prohibiting all forms of forced or compulsory labor, with up to 15 years' imprisonment for the most serious offenses. The QFCHT conducted training for law enforcement officials on applying the new anti-TIP law, including methods of investigation and identifying victims.

Reports of forced labor continued, especially in the construction and domestic labor sectors, which disproportionally affected migrant workers. Some foreign workers who voluntarily entered the country for work found themselves working under circumstances indicative of forced labor, such as withholding of passports and travel documents, refusal to grant exit permits, and working under conditions to which they had not agreed.

On March 1, the QFCHT issued a National TIP Action Plan 2010-15 that aims to prevent the spread of human trafficking, provide protection for TIP victims, and punish traffickers. According to the QFCHT, at year's end the government had implemented 95 percent of the plan's programs and projects for 2010-11 and 80 percent for 2011-12.

In 2010 the Ministry of Labor conducted 20,872 regular monthly inspections and 3,030 spot inspections during the year. There was no new information on inspections in 2011. Companies found in violation of labor laws were generally given several weeks to correct their actions. A company's second violation would result in its placement on a strictly enforced government "blacklist," which prohibits companies from obtaining additional visas or hiring additional foreign workers.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age for employment at 16. The law stipulates that minors between the ages of 16 and 18 can work with parental or guardian permission. Minors may

not work more than six hours a day or more than 36 hours a week. Employers must provide the Labor Department with the names and occupations of their minor employees and obtain permission from the Ministry of Education to hire a minor. The Labor Department may prohibit the employment of minors in jobs judged dangerous to the health, safety, or morals of minors.

d. Acceptable Conditions of Work.—There is no minimum wage. The median wage of noncitizen workers did not provide a decent standard of living for a worker and family. The law prescribes a 48-hour workweek with a 24-hour rest period, but most government offices followed a 36-hour workweek. Employees who worked more than 48 hours per week or 36 hours per week during the holy month of Ramadan are entitled to overtime pay of at least a 25 percent wage supplement. Government offices and major private sector companies adhered to this law, while employers often ignored the law with respect to unskilled laborers, construction workers, and domestic and personal employees, the majority of whom were foreigners. Domestic workers are not covered under the labor law. Many such workers frequently worked seven days a week and more than 12 hours a day with few or no holidays, no overtime pay, and no effective means to redress grievances.

There are laws regarding worker safety and health, but enforcement—a combined responsibility of the Ministry of Energy and Industry, Ministry of Health, and Labor Department—was uneven due to insufficient training and lack of personnel. Violators faced penalties of up to 6,000 QR ($1,648) and 30 days' imprisonment in the most serious cases, but labor observers reported that most safety and health violations were handled through administrative fines or blacklisting. The Labor Department opened an office in Doha's Industrial Area, where most unskilled laborers resided, to receive complaints about worker safety or nonpayment of wages.

Diplomatic representatives visited labor camps and found many unskilled foreign laborers living in cramped, dirty, and hazardous conditions, often without running water, electricity, or adequate food. The Labor Inspection Department conducted monthly and random inspections of labor camps; when it found them below minimum standards, the operators received a warning, and authorities ordered them to remedy the violations within one month. If they did not remedy the violations, the Labor Department referred the matter to the public prosecutor for action, and some cases went to trial.

During the year inspectors conducted a total of 24,107 observations of work and labor housing sites. Inspectors found 20,669 acceptable and 1,531 unacceptable, the latter of which resulted in bans on the companies in question; 493 remained under investigation at year's end. Foreign labor officials reported that conditions at most labor camps in the country remained below international standards. A foreign embassy reported acceptable conditions at multiple camps that housed its nationals, and embassy staff visited on a regular basis. A recent survey of low-skilled laborers revealed that the average foreign laborer worked 9.7 hours per day and that 96 percent of laborers worked six or seven days a week. Other studies concluded that low-skilled laborers earned an average of 14,000 QR ($3,846) annually.

According to foreign diplomats and some individual migrant workers, the Ministry of Labor's Department of Labor Affairs was widely perceived to be objective within its narrow mandate when dealing with the nonpayment of wages. The department claimed that it resolved 80 percent of the 3,630 complaints filed by workers between January and September. The ministry referred 292 cases to the labor courts for judgment. A limited number of labor complaints were referred to the criminal courts, but statistics were not publicly available.

SAUDI ARABIA

EXECUTIVE SUMMARY

The Kingdom of Saudi Arabia is a monarchy ruled by King Abdullah bin Abdulaziz Al Saud, who is both head of state and head of government. The government bases its legitimacy on its interpretation of Sharia (Islamic law) and the 1992 Basic Law, which specifies that the rulers of the country shall be male descendants of the founder King Abdulaziz bin Abdulrahman Al Saud. The Basic Law sets out the system of governance, rights of citizens, and powers and duties of the government, and it provides that the Qur'an and the Traditions (Sunna) of the Prophet Muhammad serve as the country's constitution. On September 29, the country held elections on a nonparty basis for half of the 1,632 seats on the 285 municipal councils around the country. Women were not permitted to be candidates or to vote. Security forces reported to civilian authorities.

The most important human rights problems reported included citizens' lack of the right and legal means to change their government; pervasive restrictions on universal rights such as freedom of expression, including on the Internet, and freedom of assembly, association, movement, and religion; and a lack of equal rights for women and children, as well as for workers.

Other human rights problems reported included torture and other abuses, poor prison and detention center conditions, holding political prisoners and detainees, denial of due process and arbitrary arrest and detention, and arbitrary interference with privacy, home, and correspondence. Violence against women, trafficking in persons, and discrimination on the basis of gender, religion, sect, race, and ethnicity were common. Lack of governmental transparency and access made it difficult to assess the magnitude of many reported human rights problems.

The government prosecuted and punished a limited number of officials who committed abuses, particularly those engaged in or complicit with corruption. There were reports that some members of the security forces and other senior officials, including those linked to the royal family, committed abuses with impunity.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents were not known to have committed politically motivated killings during the year. However, closed court proceedings in capital cases made it impossible to determine whether the accused were allowed to present a defense or were granted basic due process, and there were reports that security forces in clashes with sometimes-armed demonstrators killed persons during demonstrations (see section 2.b.).

For example, in one of the reported 79 executions during the year, Amina bint Abdulhalim Nassir, a 60-year-old woman, was beheaded on December 12 in the northern province of Al-Jouf reportedly after her conviction of criminal charges of practicing "witchcraft and sorcery." Absent a penal code, there is no precise legal definition of witchcraft, magic, or sorcery. According to press reports, she was arrested in 2009 and following an investigation was tried by a first-instance court, which found her guilty of practicing magic and sorcery and sentenced her to death. The case was reviewed by the Court of Appeal and the Supreme Judicial Council, which both upheld the conviction, and the sentence was carried out by royal order.

In contrast with 2010, there were no reports that government forces killed civilians in cross-border operations in Yemen.

b. Disappearance.—The government reportedly arrested and detained persons during the year, refusing for extended periods in some cases to acknowledge the detention or to provide information about an individual's whereabouts. However, there were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law of criminal procedure and other legal provisions prohibit torture and hold criminal investigation officers accountable for any abuse of authority. Sharia, as interpreted in the country, prohibits judges from accepting confessions obtained under duress. Government officials claimed that Ministry of Interior rules prohibiting torture assured that such practices did not occur in the penal system, and the president of the governmental Human Rights Commission (HRC) conducted prison visits to ascertain that torture did not occur in prisons or detention centers. Nevertheless, during the year there continued to be reports that authorities sometimes subjected prisoners and detainees to torture and other physical abuse, particularly during the investigation phase when interrogating suspects; however, due to lack of government transparency, it was not possible to ascertain the accuracy of these reports. There was no available information on the number of cases of abuse and corporal punishment.

For example, on July 27, security officials reportedly took a prominent human rights activist, Mekhlef bin Daham al-Shammary, from his prison cell at the Damman General Prison to a room where there were no surveillance cameras and severely beat him. A guard then allegedly poured an antiseptic cleaning liquid down al-Shammary's throat, resulting in his being taken to a hospital (see section 1.e.).

There were reports that at least two of a group of 16 men found guilty of security-related offenses were tortured in the period between their arrest in 2007 and their conviction on November 22. Among them, according to the nongovernmental organization (NGO) Amnesty International (AI), was Suliman al-Reshoudi, a 73-year-old former judge, who was subjected in prison to "severe physical and psychological tortures," including more than three years of solitary confinement. One of the detainees was allegedly beaten on at least seven occasions with metal sticks and received electric shocks. Saud al-Hashimi was reportedly abused by being placed for five hours in a severely cold cell and forced to confess, among other acts, to contacting

Al-Jazeera television station and to collecting money without the permission of the ruler (see section 5).

The Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), a semiautonomous agency commonly known as the religious police, has the authority to monitor social behavior and enforce morality.

On May 21, the Saudi Gazette reported the death of a Jordanian man following an alleged car chase by the religious police. After stopping him, they reportedly detained the man and forcibly cut his hair. He was later hospitalized with head injuries and subsequently died. The Ministry of Interior reportedly investigated the incident, but no further information was available.

The courts used corporal punishment as a judicial penalty. On December 23, the right hand of a Nigerian citizen was amputated after he was found guilty of theft and his appeals exhausted. According to a December 16 Human Rights Watch (HRW) letter to the HRC chairman, a Riyadh general court sentenced four Iraqis and two Syrians to the amputation of the left foot and right hand each for armed robbery of four million riyals (approximately $1 million) from a supermarket. One of the Iraqis alleged severe physical mistreatment amounting to torture for eight days until he signed, unread, a prepared confession.

In contrast to 2010, there were no reports of rape or other sexual abuses during arrest and detention, according to the unlicensed NGO Human Rights First Society (HRFS).

Prison and Detention Center Conditions.—Prison and detention center conditions varied, and some did not meet international standards. No independent human rights observers visited prisons or detention centers during the year, but the government permitted domestic organizations, such as the NGO National Society for Human Rights (NSHR), which is supported by a trust funded by the estate of the late King Fahd, and the governmental HRC, to perform some monitoring of prison conditions. In its annual report, the NSHR registered 409 cases in 2010 involving prisoners who complained about conditions, compared with 682 cases in 2009. The NSHR monitored health care in prisons and brought deficiencies to the attention of the Ministry of Interior, which administers prisons and detention centers.

Overcrowding in prisons was a problem. After visiting 16 jails across the kingdom, the NSHR published a report in February stating "most jails are operating at double their capacities, something that denies inmates many of their basic rights." The report also noted a number of other problems in prisons and detention centers, the worst being the women's section of the Deportation and Detention Center in Jeddah. Violations listed in the report included a shortage of and improperly trained wardens, lack of access to prompt medical treatment when requested, holding prisoners beyond the end of their sentences, and not informing prisoners of their rights.

The director general of prisons announced in October that there were 49,000 male and female prisoners and detainees in the kingdom. Information on the maximum number of prisoners and detainees the facilities were meant to hold was not available.

Pretrial detainees were held together with convicted prisoners. Persons suspected or convicted of terrorism offenses were separated from the general population, according to diplomatic sources, but held in similar facilities. The government permitted relatives and friends to visit some persons detained for terrorist activities, but security prisoners and some other prisoners did not have reasonable access to visitors. Detainees and prisoners were permitted to perform religious observances. There was no information available whether prisoners were able to submit complaints to judicial authorities without censorship or whether credible allegations of inhumane conditions and treatment were investigated and made public.

d. Arbitrary Arrest or Detention.—The law provides that no entity may restrict a person's actions or imprison him, except under provisions of the law. Nonetheless, because of the government's ambiguous implementation of the law and a lack of due process, the Ministry of Interior, to which the majority of forces with arrest power report, maintained broad powers to arrest and detain persons indefinitely without judicial oversight or effective access to legal counsel or family. In practice authorities held persons for weeks, months, and sometimes years and reportedly failed to promptly advise them of their rights, including their right to be represented by an attorney. According to an April 20 HRW report, authorities arrested more than 160 demonstrators in the Eastern Province in the preceding three-month period. At year's end, of an estimated 350 demonstrators arrested during the year in the Eastern Province, approximately 70 remained incarcerated.

Role of the Police and Security Apparatus.—The king, interior minister, defense minister, and Saudi Arabian National Guard commander all have responsibility in law and in practice for law enforcement and maintenance of order. The Ministry of

Interior exercised primary control over all internal security and police forces, except the General Intelligence Presidency, the government's primary external intelligence agency that reports directly to the king and maintains its own forces. The civil police and the internal security police are authorized to arrest and detain individuals. The semiautonomous CPVPV, which monitors public behavior to enforce strict adherence to the official interpretation of Islamic norms, reports to the king via the Royal Diwan (royal court) and to the Ministry of Interior. The members of the religious police are required to carry official identification and have a police officer accompany them at the time of an arrest, although compliance was sporadic.

Security forces were generally effective at maintaining law and order. The Board of Grievances (Diwan Al-Mazalim), a high-level administrative judicial body that specializes in cases against government entities and reports directly to the king, is the only formal mechanism available to seek redress for claims of abuse. Citizens may report abuses by security forces at any police station, to the HRC, or to the NSHR. The HRC and the NSHR maintained records of complaints and outcomes, but privacy laws protected information about individual cases, and information was not publicly available. During the year there were no reported prosecutions of security forces for human rights violations, but the Board of Grievances held hearings and adjudicated claims of wrongdoing. The HRC in cooperation with the Ministry of Education provided materials and training to police, security forces, and the religious police on protecting human rights.

The Bureau of Investigation and Prosecution (BIP) and the Control and Investigation Board (CIB) are the two units of the government with authority to investigate reports of wrongdoing. On November 28, the Council of Ministers formally approved changes to the responsibilities for the Bureau of Investigation and Prosecution, the Control and Investigation Board, and the General Auditing Bureau (GAB). The investigation and prosecution powers of the CIB were transferred to the BIP; however, the CIB continued to be responsible for the investigation and prosecution of financial cases. All financial audit and control functions were limited to the GAB.

Arrest Procedures and Treatment While in Detention.—According to the 1992 Basic Law, "no person shall be arrested, searched, detained, or imprisoned except in cases provided by law, and any accused person shall have the right to seek the assistance of a lawyer or a representative to defend him during the investigation and trial stages." Authorities may summon any person for investigation, and an arrest warrant may be issued based on evidence, but in practice warrants frequently were not used and they were not required in cases where probable cause existed. There was a functioning bail system for less serious criminal charges. The law does not specify a time frame for access to a lawyer. The practice is for the state to provide a lawyer for indigents. There were no established procedures providing detainees the right to contact family members following arrest. The law requires charges be filed within 72 hours of arrest and requires a trial within six months. Reportedly, authorities frequently failed to observe these legal protections and there was no requirement to advise suspects of their rights. In practice no judicial proceedings began until a full investigation was completed by authorities, which in some cases took years.

Incommunicado detention was sometimes a problem. Frequently, security and some other prisoners were held for long periods before family members or associates were notified of their whereabouts.

Arbitrary Arrest.—There were reports of arbitrary arrest and detention. Although the law prohibits detention without charge, during the year authorities detained without charge security suspects, persons who publicly criticized the government, Shia religious leaders, and others who violated religious standards.

Pretrial Detention.—Lengthy pretrial detention was a problem. The NGO Saudi Civil and Political Rights Association (ACPRA) challenged the Ministry of Interior in court on cases considered to involve arbitrary arrest or detention; however, the ACPRA claimed the ministry ignored judges' rulings, and judges appeared powerless to take action against it. There was no available information on the percentage of the prison/detainee population in pretrial detention or the average length of time held.

On April 2, the Ministry of Interior's Bureau of Investigation and Prosecution released statistics accounting for those detained for suspicion of terrorism since 2001. The data suggested that roughly half of the 11,527 persons arrested had been released. Of those not released, 2,215 had been referred to "the competent criminal courts," with 1,612 convicted by April 2 and the remaining still being tried. There were 1,931 detainees nearing transfer to court as investigations were being finalized; 934 detainees were still being held pending final charges; and another 616 were "still pending trial," although it was not clear what that meant. The Ministry

of Interior also reportedly paid compensation of 32 million riyals ($8.5 million) to 486 detainees for being held longer in detention than their jail sentences and provided 529 million riyals ($141 million) in monthly assistance to the families of suspects.

Amnesty.—The king continued the tradition of sometimes tempering judicial punishments. The details of the cases varied, but the demonstration of royal pardons sometimes included reducing or eliminating corporal punishment, for example, rather than wiping the slate clean. However, the remaining sentence could be added to a new sentence if the pardoned prisoner committed a crime subsequent to his release. There were pardons or grants of amnesty on special occasions throughout the year. The Saudi Press Agency reported 1,543 prisoners were pardoned and released during the year. In addition, the agency reported 325 Indonesian prisoners of a reported total of 1,719 in jail on various charges were pardoned and released during the year.

e. Denial of Fair Public Trial.—The law provides that judges are independent and are subject to no authority other than the provisions of Sharia and laws in force. In practice the judiciary was not independent as it was required to cooperate with executive authorities with the king as arbiter. Although allegations of interference with judicial independence were uncommon, the judiciary was reportedly subject to influence. There were no reports during the year of courts exercising jurisdiction over senior members of the royal family. There were alleged problems enforcing court orders, particularly against the Ministry of Interior.

Trial Procedures.—The law states that defendants should be treated equally in accordance with Sharia. In the absence of a penal code, Sharia as interpreted in the country is the basis of the penal system. The Council of Senior Religious Scholars (Ulema), an autonomous advisory body, has the authority to determine how judges should interpret Sharia.

Sharia is not based on precedent in all cases; this, combined with the lack of a penal code, means that rulings and sentences can diverge widely. Judges may base their decisions on any of the four Sunni schools of jurisprudence. Shia citizens use their own legal traditions to adjudicate intra-Shia family law cases.

The law states that court hearings shall be public; courts may be closed at the judge's discretion, and many trials during the year were closed. According to the Ministry of Justice, a trial may be closed depending on the sensitivity of the case to national security, the reputation of the defendant, or the safety of witnesses. On May 16, the government opened the first public trials for terrorism for 11 suspects accused of participating in a 2004 attack. During the year the government opened similar trials of suspected terrorists to observers from the HRC, the media, and the public; however, observers required advance approval from the Ministry of Interior.

According to the law, there is neither presumption of innocence nor trial by jury. The law provides defendants the right to be present at trial and to consult with an attorney during the investigation and trial. According to the HRC, at the government's discretion, an attorney may be provided to indigents at public expense. Defendants also have the right to confront or question witnesses against them and call witnesses in their behalf. However, the court presents the witnesses. The law provides that an investigator appointed by the Bureau for Investigation and Prosecution questions the witnesses called by the litigants before the initiation of a trial and may hear testimony of additional witnesses he deems necessary to determine the facts. There is no right to access government-held evidence. Defendants may request to review evidence, and the court decides whether to grant the request. The court must inform convicted persons of their right to appeal rulings.

Sharia as interpreted by the government extends these provisions to all citizens and noncitizens; however, the law and practice discriminate against women (see section 6), nonpracticing Sunni, Shia, and persons of other religions. For example, judges may discount the testimony of nonpracticing Sunni Muslims, Shia Muslims, or persons of other religions; sources reported that judges sometimes completely ignored testimony by Shia.

Among many reports of irregularities in trial procedures was the case of Mohammed Saleh al-Bajady, a businessman and cofounder of ACPRA, whom police arrested the day after his March 20 participation in a protest outside the Ministry of Interior in Riyadh. According to a December 1 AI report, he was apparently charged with forming the ACPRA, harming the reputation of the state, and having banned books in his possession. His lawyers reportedly did not have access to him or his trial in the Specialized Criminal Court, which, according to a report of a telephone call to his wife, began in August. He remained in prison in Riyadh at year's end.

In August the Royal Diwan forwarded the case of Rizana Nafeek to the Riyadh Provincial Reconciliation Committee to negotiate a settlement between Nafeek, a Sri

Lankan domestic worker, and the parents of an infant she was convicted of having killed. In September 2010 the High Court rejected an appeal in Nafeek's case; she had no legal representation at her initial trial in 2007, and an initial appeal hearing revealed that her interpreter may not have been qualified.

Political Prisoners and Detainees.—The number of political prisoners or detainees who reportedly remained in prolonged detention without charge could not be reliably ascertained. However, the HRC reported the number of inmates held on terrorism-related charges was 4,662 as of December 25. In many cases it was impossible to determine the legal basis for incarceration and whether the detention complied with international human rights norms and standards. Those who remained imprisoned after trial were often convicted of terrorism-related crimes, and there was not sufficient public information about such alleged crimes to make a judgment about whether they had a credible claim to be political prisoners.

The government asserted that secret detentions were part of its efforts to combat terrorism. International NGOs, AI in particular, criticized the government for abusing its antiterrorism prerogatives to arrest some members of the political opposition. Security detainees were not given the same protections as other prisoners or detainees. High-profile prisoners generally were well treated. Certain prisoners, held on terrorism related charges, were given the option to participate in rehabilitation programs. Authorities sometimes restricted legal access to detainees (see section 1.d.); no international humanitarian organizations had access to them.

For example, on August 8, officials revealed that authorities arrested prominent Shia cleric Sheikh Tawfiq al-Amer on August 3; he remained in detention at year's end, allegedly for "inciting public opinion." Authorities reportedly allowed al-Amer's relatives to visit him in detention. Sheikh al-Amer was detained multiple times over the past several years, such as his February 27 detention for 10 days after he received wide attention for preaching a sermon calling for political reforms and the establishment of a constitutional monarchy.

On February 20, authorities released three Shia activists detained without charge. Munir al-Jassas, a well-known blogger, was arrested in 2009 after criticizing anti-Shia discrimination; Muhammad Al Libad and Ramzi Jamal were arrested in January 2010 after organizing protests against anti-Shia discrimination.

Civil Judicial Procedures and Remedies.—Complainants claiming human rights violations generally sought assistance from the HRC or NSHR, which either advocated on their behalf or provided courts with opinions on their cases. The HRC was generally responsive to complaints; domestic violence cases were the most common. However, individuals or organizations may also pursue claims for damages or seek government action to end human rights violations from the Board of Grievances.

Human rights activist (imprisoned without charge since June 2010) Mekhlef bin Daham al-Shammary filed a complaint against the government and demanded material and moral compensation for suffering when imprisoned for more than four months in 2007. Al-Shammary was arrested for repeatedly holding unauthorized political meetings.

On June 9, the Board of Grievances ruled that human rights activist and student Thamer Abdulkareem al-Kather was being held arbitrarily and should be released, but the Ministry of Interior appealed the verdict. In March 2010 the ministry's security arm, the General Directorate of Investigation, arrested al-Kather without charge in Qassim and transferred him to a prison in Riyadh. Al-Kather had advocated for prisoners' rights and constitutional reform.

In August the Board of Grievances ordered Jeddah police to pay 152,700 riyals ($41,000) to a man detained for almost three years without trial. The police reportedly had forgotten about him and his case.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The government used the considerable latitude provided by the law to monitor activities legally and intervene where it deemed necessary. The government strictly monitored politically related activities and took punitive actions, including arrest and detention, against persons who engaged in certain political activities, such as direct public criticism of some senior royals by name, forming a political party, or organizing a demonstration. There were reports from human rights activists of governmental monitoring or blocking of mobile telephone or Internet usage before planned demonstrations. The government did not respect the privacy of correspondence or communications. Customs officials reportedly routinely opened mail and shipments to search for contraband. In some areas Ministry of Interior informants allegedly reported "seditious ideas," "antigovernment activity," or "behavior contrary to Islam" in their neighborhoods.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The government codified and clarified severe restrictions on freedoms of speech, press and the Internet during the year. Government-friendly ownership in print or broadcast media led to self-censorship, and there was relatively little need for overt government action to restrict freedom of expression. However, the government could not rely on self-censoring in the dispersed social media and Internet world. Accordingly, to control information, it monitored and sporadically blocked certain Internet sites. On a number of occasions, government officials and senior clerics publicly warned against inaccurate reports on the Internet and reminded the public that criticism of the government and its officials should be done through available private channels.

Freedom of Speech.—The government monitors public expressions of opinion and took advantage of legal controls to impede the free expression of opinion and restrict those verging on the political sphere. Public employees are prohibited from directly or indirectly engaging in dialogue with local or foreign media or participating in any meetings intended to oppose state policies. The law forbids apostasy and blasphemy.

Internet activists (one Facebook group claimed 26,000 adherents) urged people to demonstrate in favor of political and economic reforms, particularly on March 11. In the face of warnings from religious and government leaders and a strong security presence, a single religion teacher came to demonstrate. Police arrested him immediately after he spoke to the BBC and other reporters about the need to "to speak freely" and have "freedom" and "democracy. He remained in detention at year's end.

On September 10, a court in Jeddah brought charges against Waleed Abu al-Khair, a human rights lawyer and supervisor of the Facebook group "Saudi Human Rights Monitor," for various expressions of political opinion. The multiple charges ranged from "insulting the judiciary" and "asking for a constitutional monarchy" to "incitement of public opinion against the public order of the country," according to HRW. In February Abu al-Khair had signed two petitions calling for political reform presented to King Abdullah. At year's end he was not in custody and no trial date was set, but he had been restricted from travel outside the country.

Freedom of Press.—The Press and Publications Law, extending explicitly to Internet communications, governs printed materials; printing presses; bookstores; import, rent, and sale of films; television and radio; and foreign media offices and their correspondents. On April 29, a royal decree amended the Press and Publications Law to stiffen penalties further and created a special commission to judge violations. The amendments ban publishing anything "contradicting Sharia; inciting disruption; serving foreign interests that contradict national interests; and damaging the reputation of the Grand Mufti, members of the Council of Senior Religious Scholars, or senior government officials." The Ministry of Culture and Information may permanently close "whenever necessary" any means of communication—defined as any means of expressing any viewpoint that is meant for circulation—that it deems is engaged in a prohibited activity as set forth in the April 29 royal decree. Print and broadcast media, already self-censored, did not appear to have been demonstrably affected by the new April restrictions.

The government owned most print and broadcast media and book publication facilities in the country, and members of the royal family owned or influenced those that were privately owned and nominally independent, including various media outlets and widely circulated pan-Arab newspapers such as Ash-Sharq Al-Awsat and Al-Hayat. The government owned, operated, and censored most domestic television and radio outlets.

Satellite television dish usage was widespread. Although satellite dishes technically were illegal, the government did not enforce restrictions on satellite dishes. Access to foreign sources of information, including the Internet, was common. Privately owned satellite television networks headquartered outside the country maintained local offices and operated under a system of self-censorship. Many other foreign satellite stations broadcast a wide range of programs into the country, in English and Arabic, including foreign news channels such as CNN, Fox, BBC, Sky, and Al-Jazeera. Foreign media are subject to licensing requirements from the Ministry of Culture and Information and cannot operate freely.

The Ministry of Culture and Information must approve the appointment of all senior editors and has the authority to remove them. The government provides guidelines to newspapers regarding controversial issues. A 1982 media policy statement urges journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The governmental Saudi Press Agency reports official government news.

All newspapers in the country must be licensed by the government. Media outlets can legally be banned or publication temporarily halted if the government assesses that they violate the Press and Publications Law.

Censorship or Content Restrictions.—The government reportedly penalized those who published items counter to government guidelines and directly or indirectly censored the media by licensing domestic media and by controlling importation of foreign printed material. Authorities prevented or delayed the distribution of foreign print media, effectively censoring these publications.

On September 19, Fahad al-Aqran, the editor in chief of Al-Madina, and Abdulaziz al-Sowaid, a columnist for Al-Madina, were fired and referred to the Ministry of Culture and Information's review board after the columnist wrote an article with controversial interpretations of theological issues.

The Consultative Council (Majlis as-Shura), an advisory body, frequently allowed print and broadcast media to observe its proceedings and meetings, but the council closed high-profile or controversial sessions to the media. In some cases individuals criticized specific government bodies or actions publicly without repercussions. In the most prominent instance during the year, they did so only after the king was critical of the poor response of authorities after the January floods in Jeddah, which resulted in numerous deaths.

Internet Freedom.—The 2001 Press and Publications Law already implicitly covered the electronic media, since it extended to any means of expression of a viewpoint meant for circulation, ranging from words to cartoons, photographs, and sounds. In March the government issued "Implementing Regulations of Electronic Publishing" setting out rules for Internet-based and other electronic media, including chat rooms, personal blogs, and text messages.

The law criminalizes the publication or downloading of offensive sites. The Communications and Information Technology Commission (CITC) filtered and blocked access to Web sites it deemed offensive, and there were credible reports that it monitored e-mail and Internet chat rooms. The law restricted the ability of individuals and groups to engage in the expression of views via the Internet, including by e-mail.

All Web sites registered and hosted in the country must be authorized by agencies of the Ministry of Culture and Information. The CITC dealt with requests to block adult content and coordinated decisions with the Saudi Arabian Monetary Authority on phishing sites seeking to obtain confidential personal or financial information. All other requests to block sites were submitted to an interagency committee, chaired by the Ministry of Interior, for a decision to block a site or not. In addition to designating unacceptable sites, the CITC accepted requests from citizens to block or unblock sites. According to the CITC's general manager, authorities received an average of 3,000 requests daily to block and unblock sites. According to the NGO Reporters Without Borders, authorities claimed to have blocked approximately 400,000 Web sites.

Access to the Internet was legally available only through government-authorized Internet service providers. Although the authorities blocked Web sites offering proxies, persistent Internet users could work around the blocked sites and continue to access the Internet via other proxy servers.

Laws criminalize defamation on the Internet, hacking, unauthorized access to government Web sites, and stealing information related to national security, as well as the creation or dissemination of a Web site for a terrorist organization. The government reportedly collected personally identifiable information concerning the identity of persons peacefully expressing political, religious, or ideological opinions or beliefs.

On February 15, the Ministry of Interior released Muhammad Abdullah al-Abdulkareem, a professor of law at Imam Muhammad bin Saud Islamic University, after having arrested him in December 2010 for posting an article describing political factions in the royal family on his Facebook page.

Academic Freedom and Cultural Events.—Academics reportedly practiced self-censorship. The government censored public artistic expression, prohibited cinemas, and restricted public musical or theatrical performances apart from those considered folkloric and special events approved by the government. For example, on October 16, police arrested student and filmmaker Firas Buqna for producing a Web video on poverty in Riyadh. The episode followed previous shows on youth and police corruption. The online video was viewed more than a million times in the first three weeks after the arrest. Authorities released Buqna without charge on October 31.

b. Freedom of Peaceful Assembly and Association.—The law does not provide for freedom of assembly and association, which the government strictly limited in practice.

Freedom of Assembly.—The law requires a government permit for an organized public assembly of any type, and it was a crime to participate in political protests or unauthorized public assemblies. In contrast to prior years, security forces allowed several small unauthorized, nonpolitical demonstrations around the country during the year despite a March 5 Interior Ministry statement that demonstrations were banned and that it would take "all necessary measures" against those seeking to "disrupt order." On March 6, the Council of Senior Religious Scholars reinforced the government's stance, stating "demonstrations are prohibited in this country" and explaining that "the correct way in Sharia of realizing common interests is by advising."

In the Eastern Province city of Qatif, the scene of demonstrations throughout the year, there were instances of some violent clashes between demonstrators and police. On October 3, 11 policemen and at least three civilians reportedly were wounded by gunfire. Between November 20 and 23, four demonstrators died following clashes between demonstrators and security forces. YouTube displayed videos purporting to portray residents, largely Shia, protesting alleged systematic discrimination, incitement against them, and neglect in public investment while showing antiroyal slogans written on walls. In other regions government authorities reportedly arrested nonviolent demonstrators and detained them briefly.

Women were not allowed to gather in public with unrelated men.

Freedom of Association.—The law does not provide for freedom of association, and the government strictly limited this right in practice. The government prohibited the establishment of political parties or any group it considered as opposing or challenging the regime. All associations must be licensed by the Ministry of Social Affairs and comply with its regulations. Groups that hoped to change some element of the social or political order reported that their licensing requests went unanswered. The ministry reportedly used arbitrary means, such as requiring unreasonable types and quantities of information, to effectively deny associations licenses.

A request for recognition of the Islamic Nation Party (Hizb al-Umma al-Islam) as a political party resulted in the arrest on February 16 of seven of its nine founders. According to HRW's citation of the request, they appeared to have been detained solely for trying to create a party whose professed aims included "supporting the peaceful reform movement" (see section 3).

Government-chartered associations observed citizen-only limitations. For example, the Saudi Journalists Association, which operates under a government charter, did not give voting rights in the organization to noncitizen members and prohibited them from attending the association's general assembly.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law does not contain provisions for freedom of movement within the country, foreign travel, or emigration and repatriation. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement.—Generally the government did not restrict the free movement of male citizens within the country or the right of citizens to change residence or workplace, provided they held a national identification card (NIC). The law requires all male citizens 15 years of age or older to hold an NIC. For women the NIC was optional, reflecting the different status of female citizens, and could be issued only if a woman's male guardian (grandfather, father, uncle, brother, husband, son, or nephew) consented in writing to its issuance or if she already held a valid passport, also issued only with a guardian's consent. The government prohibited women from driving motor vehicles; some women drove during the year in an effort to publicize a campaign to lift the ban. The guardianship system requires a woman to have the permission of her male guardian to work or move freely in the country (see section 6).

Foreign Travel.—There are restrictions on foreign travel, including for women and members of minority groups. No one may leave the country without an exit visa and a passport. Women and minors (younger than age 21) require a male guardian's consent to have a passport and travel abroad. A noncitizen wife needs permission from her husband to travel unless both partners sign a prenuptial agreement permitting the noncitizen wife to travel without the husband's permission. Government entities and male family members can "blacklist" women and minor children, prohibiting their travel. In cases involving custody disputes, the male guardian is legally able to prevent even adult children from leaving the country.

Travel of foreign workers remained under the complete control of their employers or sponsors, who were responsible for processing residence permits and exit visas on their behalf. Sponsors often held their employees' passports, despite a law specifically prohibiting this practice.

The government continued to impose travel bans as part of criminal sentences. The government on occasion reportedly confiscated passports and revoked the rights of some citizens to travel for political reasons but often did not provide them with notification or opportunity to contest the restriction.

According to the ACPRA, authorities continued a travel ban on Fahad al-Orani, one of the cofounders of the ACPRA; Abdullah al-Hamed, a former professor and cofounder of the ACPRA; and Matrouk al-Faleh.

Protection of Refugees.—Access to Asylum.—The law provides that the "state will grant political asylum if public interest so dictates." The country has no law implementing this provision, and the UNHRC managed refugee and asylum matters. The government permitted UNHRC-recognized refugees to stay in the country temporarily pending identification of a durable solution. The government generally did not grant asylum or accept refugees for settlement from third countries. Government policy is not to grant refugee status to persons in the country illegally or who have overstayed a pilgrimage visa. The government strongly encouraged persons without residency to leave, and it threatened or imposed deportation. Access to naturalization was difficult for refugees. During the year the UNHRC registered more than 600 refugees and 95 asylum seekers.

Employment.—Refugees and asylum seekers were unable to work legally.

Access to Basic Services.—Access to health care, education, courts/judicial procedures, and social services is reserved for citizens. Refugees' only access to basic services is through the UNHRC. The UNHRC office in Riyadh provided subsistence allowance to a limited number of vulnerable families based on a needs assessment.

Stateless Persons.—The country has a significant number of habitual residents who are legally stateless, but data on the stateless population are incomplete and scarce, and the government was not open to discussing the matter.

Under the Nationality Law, citizenship is derived from the father, but several scenarios lead to statelessness of children: (1) a child born to an unmarried mother is not affiliated with the father legally, even if the father has recognized the child, and therefore is stateless; (2) when identification documents are withdrawn from a parent, the child also loses his or her identification and accompanying rights (possible when a naturalized parent denaturalizes voluntarily or loses citizenship through other acts); (3) children of a citizen mother and a noncitizen father are without nationality, unless they acquire citizenship from the father; and (4) children of a citizen father and a noncitizen mother are noncitizens, unless the government has authorized the marriage of the parents prior to birth. In addition when government authorities withdraw a citizen's national identification card, his or her children also lose their Saudi citizenship.

The UNHRC unofficially estimated there were approximately 70,000 stateless persons in the country, almost all of whom were native-born Arab residents known locally as Bidoon (an Arabic word that means "without"); there were also some Baloch and West Africans.

Bidoon are persons whose ancestors failed to obtain nationality, such as descendants of nomadic tribes not counted among the native tribes during the reign of the country's founder, King Abdulaziz; descendants of foreign-born fathers who arrived before there were laws regulating citizenship; and rural migrants whose parents failed to register their births. As noncitizens Bidoon were unable to obtain passports or travel abroad. The government denied them employment and educational opportunities, and their marginalized status made them among the poorest residents of the country. In recent years the Ministry of Education encouraged them to attend school. The government issued Bidoon five-year residency permits to facilitate their social integration in government-provided health care and other services, putting them on similar footing with sponsored foreign workers.

There were an estimated 240,000 Palestinians resident in the kingdom, who were not registered as refugees, as the mandate of the U.N. Refugee and Works Agency (UNRWA) to protect and assist Palestinian refugees is limited to the West Bank, Gaza, Lebanon, Syria, and Jordan

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

The law does not provide citizens the right to change their government peacefully and establishes the Al Saud family monarchy as the political system. The law provides citizens the right to communicate with public authorities on any matter, and

the government is established on the principle of consultation (shura), requiring the king and senior officials to make themselves available by holding meetings (majlis), open-door events where in theory any male citizen or noncitizen may express an opinion or a grievance. Only a few members of the ruling family have a voice in the choice of leaders, the composition of the government, or changes to the political system. The Allegiance Commission, composed of 34 senior princes appointed by the king, is responsible for selecting a king and crown prince upon the death or incapacitation of either.

Elections and Political Participation.—Recent Elections.—On September 29, following a two-year postponement, the government held elections for the second time since 1963 for the country's 285 municipal councils; elected candidates filled half of the 1,632 seats while the king appointed the other half. As in the first elections in 2005, participation was limited to civilian male citizens at least 21 years old. According to the Municipal Council Elections Committee, there was no legal prohibition against women voting; however, as in 2005, the committee cited logistical and other technical reasons why women were not allowed to participate in the elections. More than 1,700 lawyers from the National Committee of Lawyers monitored the elections nationally, and the organization assessed that the elections were fair and transparent. The NSHR, however, refused to observe the elections, protesting women's ineligibility to vote or seek election. Candidates were not permitted to contest under party affiliation. On September 25, the king issued a royal decree permitting women to vote and run in future municipal council elections.

Political Parties.—There were no political parties or similar associations. On February 16, one week after a group of nine individuals submitted a request for recognition of the Islamic Nation Party (Hizb al-Umma al-Islam) as a political party to the Royal Court and the Consultative Council, seven of the party's nine founders were arrested. A statement posted on the party's Web site on February 17 said that authorities arrested Ahmad bin Sa'd al-Ghamidi, Sa'ud al-Dughaithir, SheikhAbd al-'Aziz al-Wuhaibi, Sheikh Muhammad bin Husain al-Qahtani, Muhammad bin Nasir al-Ghamidi, Walid al-Majid, and Abd al-Karim al-Khadhar. According to the Web site, authorities demanded that they sign a legally binding promise to withdraw their names from the party's founding document. All members of the group signed such statements and were released except for al-Wuhaibi, who refused to do so and was sentenced to seven years in prison (see section 2.b.).

Participation of Women and Minorities.—Societal discrimination based on widespread gender segregation excluded women from most aspects of public life, with the large-scale exclusion of women from formal decision making; however, women increasingly participated in political life, albeit with significantly less status than men. There were 12 female advisers to the 150-man royally appointed Consultative Council, which advises the king and can propose legislation. On September 25, the king issued a royal decree providing for women to be appointed to serve as full Consultative Council members at the beginning of the next term in 2013. There were no women on the High Court (women's ability to practice law is limited) or Supreme Judicial Council. There were two women in senior-level government positions, as deputy minister for women's education and deputy minister for women's higher education.

There are no laws that prevent minorities from participating in political life on the same basis as other citizens, but societal discrimination marginalized the Shia population. The Consultative Council included only five Shia members. There were no religious minorities in the cabinet. At year's end there were some Eastern Province Shia judges dealing with intra-Shia personal status and family laws.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. There were reports of government corruption during the year, including a perception of corruption by some members of the royal family and the executive branch of the government.

There were very few high-level public investigations or prosecutions. Following flooding in Jeddah in January, the government launched investigations into allegations of widespread official corruption and malfeasance thought to have contributed to the resulting damage and loss of life in the 2011 floods. In a paper presented at a government performance seminar held in Riyadh in April, the General Audit Bureau reportedly noted that "what happened in Jeddah clearly illustrated the poor performance of government departments because of bribery and widespread corruption." The government charged a number of municipal officials with corruption as

a result of the 2009 Jeddah floods, and at year's end the trials continued with no convictions or acquittals.

Government employees who accept bribes face 10 years in prison or fines up to one million riyals ($267,000). Public officials were not subject to financial disclosure laws. On March 18, King Abdullah issued a royal decree establishing a National Anti-Corruption Commission, responsible for promoting transparency and combating all forms of financial and administrative corruption; the commission's ministerial-level director reported directly to the king and was charged with referring cases of corruption to the Control and Investigation Board and the Ministry of Interior's Bureau of Investigation and Prosecution.

The law does not provide for and there is no right to public access to government information, such as ministerial budgets or allocations to members of the royal family.

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

The law provides that "the State shall protect human rights in accordance with the Islamic Sharia"; however, the government restricted the activities of, while at times cooperating to varying degrees with, domestic and international human rights organizations in investigations of alleged violations of human rights.

The government often cooperated with and sometimes accepted the recommendations of the NSHR, the sole government-licensed domestic human rights organization. The NSHR, funded through a trust fund from a deceased member of the royal family, accepted requests for assistance and complaints about government actions affecting human rights.

The government viewed two active human rights groups, which the government failed to license, the HRFS and the ACPRA, with suspicion and claimed they were meddling in government affairs. At year's end the government had not licensed the HRFS, whose founder, Ibrahim al-Mugaiteeb, applied for a license in 2002. The government continued to permit its informal operation, but since the group was formally "unlicensed" it remained unclear which activities the group could undertake without risking punishment, and even "permitted" activities could be criticized by the government. Without a license the group was unable to raise operating funds, which severely limited its activities. ACPRA applied for a license in 2008, which was not granted; however, the government allowed its unlicensed operation.

A third, less active group, the National Saudi Committee of Human Rights, has tried unsuccessfully to register since 2003, according to HRW.

An abortive attempt to create a political organization, accompanied by a petition calling for political reform, preceded the 2007 arrests of nine men who, along with seven others, were held without formal charges until August 2010. On November 22, a court in Riyadh convicted the 16 men on a range of charges that included allegedly forming a secret organization, attempting to seize power, inciting discontent against the king, financing terrorism, and money laundering. The men received sentences that varied from 10 to 30 years and included travel bans and fines (see section 1.c.).

The government also viewed international human rights NGOs with suspicion. For example, AI's main Web site was blocked temporarily in late Julyafter it criticized a draft antiterrorism law that it suggested would stifle peaceful protest in the kingdom. The HRC stated that the government welcomed the visits of legitimate, unbiased human rights groups, but added that the government could not act on the "hundreds of requests," in part because it was cumbersome to decide which domestic agency would be their interlocutor.

Government Human Rights Bodies.—The government-funded HRC is effectively a part of the government. The HRC president has ministerial status and reports to the king. According to the NSHR's 2009 report, the HRC "met with weak collaboration on the part of some governmental bodies in spite of the issuance of royal directives." The adequately resourced HRC was considered effective in highlighting problems but had limited capacity to effect change. The HRC worked directly with the Royal Diwan and the Council of Ministers; with a committee composed of representatives of the Consultative Council and the Ministries of Labor, Social Affairs, and Interior; and with Consultative Council Committees for the Judiciary, Islamic Affairs, and Human Rights.

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

The law prohibits discrimination based on race but not gender, disability, language, or social status. The law and tradition discriminated on the basis of gender. The government generally reinforced Sharia-based traditional prohibitions on dis-

crimination on the basis of disability, language, or social status but did not effectively enforce laws prohibiting discrimination based on race.

Women.—Rape and Domestic Violence.—Rape is a punishable criminal offense under Sharia with a wide range of penalties from flogging to execution. Generally the government enforced the law based on its interpretation of Sharia, and courts punished the victim for illegal "mixing of genders," as well as the perpetrator. The government did not recognize spousal rape. Statistics on incidents of rape were not available, but press reports and observers indicated rape was a serious problem. The government did not maintain public records on prosecutions, convictions, or punishments. Most rape cases were unreported because victims faced possible societal reprisal, diminished marriage opportunities, criminal sanction up to imprisonment, or accusations of adultery.

There were no laws criminalizing violence specifically against women, and the law does not distinguish domestic violence within the general legal prohibition against violence. Researchers stated that violence against women may be seriously underreported, making it difficult to gauge the magnitude of the problem. Officials stated that the government did not clearly define domestic violence and that procedures concerning cases, and accordingly enforcement, varied from one government body to another. NSHR's 2010 annual report noted that it investigated 282 cases of domestic violence and violations of women's rights, compared with 257 such cases in 2009. Violence included a broad spectrum of abuse. The government made efforts to combat domestic violence, and the King Abdulaziz Center for National Dialogue held workshops and distributed educational materials on peaceful conflict resolution between spouses and in families.

The government supported family protection shelters. During the year the HRC fielded complaints of domestic abuse and referred these complaints to other government offices. The HRC's women and children's branches throughout the kingdom received 350 complaints from 71 women during the year; domestic violence and abuse accounted for most of the cases. The HRC advised complainants and offered legal assistance to some female litigants. The organization provided facilities for the children of women complainants and litigants and it distributed publications supporting women's rights in education, health care, development, and the workplace.

Sexual Harassment.—The extent of sexual harassment was difficult to measure with little media reporting and no government data. The government's interpretation of Sharia guides courts on cases of sexual harassment. Employers maintained separate male and female workspaces where feasible.

Reproductive Rights.—There were no reports of government interference in couple's right to decide freely and responsibly the number, spacing, and timing of children. Statistics from the World Bank indicate that Saudi fertility rates steadily declined since 1980. Intrauterine devices were the most popular form of birth control in the country, and women, regardless of marital status, were legally able to obtain them. Birth control pills also were available to women in local pharmacies without prescriptions. Although no legal barriers prevented access to contraception, in practice many women were limited by constraints on mobility and economic resources. Information was not available regarding equal diagnosis and treatment of sexually transmitted infections.

Discrimination.—Women continued to face significant discrimination under law and custom, and many remained uninformed about their unequal rights. Although they may legally own property and are entitled to financial support from their guardian, women have few political or social rights, and society treats them as unequal members. The law prohibits women from marrying non-Muslims, but men may marry Christians and Jews. Women may not marry noncitizens without government permission; men must obtain government permission if they intend to marry noncitizens from outside Bahrain, Kuwait, Oman, Qatar, and the United Arab Emirates.

The guardianship system requires that every woman have a close male relative as her "guardian" with the authority to approve her travel (see section 2.d.). A guardian also has authority to approve some types of business licenses and study at a university or college. Women can make their own determinations concerning hospital care. A husband who "verbally" (rather than via a court process) divorces his wife or refuses to sign final divorce papers continues to be her legal guardian.

Widespread societal exclusion restricted women from using many public facilities. When unrelated men are present, women must sit in separate, specially designated family sections. They are not allowed to consume food in restaurants that do not have such sections. Women risk arrest for riding in a vehicle driven by a male who is not an employee or a close male relative. Cultural norms enforced by state institutions require women to wear an abaya (a loose-fitting, full-length black cloak cov-

ering the entire body) in public and to conceal their hair. The religious police also generally expected Muslim women to cover their faces and non-Muslim women from other Asian and African countries to comply more fully with local customs of dress than non-Muslim Western women. In rural areas and smaller cities, women adhered to the traditional dress code of covering the entire body, hands, feet, hair, and face.

Women also faced discrimination in courts, where the testimony of one man equals that of two women. In divorce proceedings women must demonstrate legally specified grounds for divorce, but men can divorce without giving cause. In doing so men are required to pay immediately an amount of money agreed upon at the time of the marriage that serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce also are entitled to alimony.

Women faced discrimination under family law. For example, a woman needs her guardian's permission to marry. Courts awarded custody of children when they attained a specified age (seven years for boys and nine years for girls) to the divorced husband or the deceased husband's family. In numerous cases former husbands prevented divorced noncitizen women from visiting their children. Women are also discriminated against under inheritance laws, where daughters receive half the inheritance awarded to their brothers.

Women constituted more than 58 percent of university students; education through university level was generally segregated. The only other exceptions to segregation in higher education were medical schools at the undergraduate level and the King Abdullah University of Science and Technology, a graduate-level research university where women worked jointly with men, were not required to wear the veil, and drove cars on campus.

On July 11, the Ministry of Labor issued regulations requiring all women's garment stores to be staffed solely by women. The regulations also created guidelines for women to telework but banned women from 20 professions, mostly in heavy industry. On March 26, the Ministry of Justice announced plans to open 1,000 legal, administrative, social, and religious positions within the judiciary to women throughout the country; however, women could not work as judges or prosecutors. A 2010 report by the central bank estimated that 36,000 female citizens worked in the public sector and 48,000 worked in the private sector.

The law requires a woman to obtain the permission of a male guardian to work if the type of business is not "deemed appropriate for a woman." A woman cannot accept a job in a rural area unless she lodges with an adult male relative who agrees to act as her guardian. Widespread gender segregation directly led to discrimination in employment. Despite gender segregation the law grants women the right to obtain business licenses, and women frequently obtained licenses in fields that might require them to supervise foreign workers, interact with male clients, or deal frequently with government officials. In medical settings and in the energy industry, women and men worked together, and in some instances women supervised male employees. Women who work in establishments with 50 or more female employees have the right to maternity leave and child care.

Children.—Birth Registration.—Citizenship derives from the father, and only the father can register a birth. There were cases of citizen children denied public services, including education and health care, because the government failed to register the birth entirely or immediately.

Child Abuse.—Abuse of children occurred, but information was sparse. In 2010 the NSHR registered 82 instances of violence against children, according to its annual report.

Child Marriage.—Sharia does not specify a minimum age for marriage but suggests girls may marry after reaching puberty. According to some senior religious leaders, girls as young as age 10 may be married. Families sometimes arranged such marriages, principally in rural areas or often to settle family debts, without the consent of the child. The HRC and NSHR monitored cases of child marriages, which they reported were rare or, at least, rarely reported. The bride's age must be recorded in the application for a marriage license, and registration of the marriage is a legal prerequisite for consummation. The government reportedly instructed marriage registrars not to register marriages involving children.

Sexual Exploitation of Children.—There is no specific law providing penalties relating to commercial sexual exploitation of children or child pornography and no minimum age for consensual sex. The law prohibits pornography.

International Child Abduction.—The kingdom is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see http://travel.state.gov/abduction/country/country—3781.html

Anti-Semitism.—There were no known Jewish citizens and no statistics available concerning the religious denominations of foreigners.

According to the Ministry of Islamic Affairs, no imams publicly espoused intolerant views warranting dismissal during the year; however, there continued to be unconfirmed reports that Sunni imams, who receive government stipends, used anti-Jewish, anti-Christian, and anti-Shia language in their sermons. During the year the ministry issued periodic circulars to clerics and imams in mosques directing them to include messages on the principles of justice, equality, and tolerance and to encourage rejection of bigotry and all forms of racial discrimination in their sermons.

The government's multiyear project to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam began in 2007. The government mandated the removal of controversial terms from school textbooks and the substitution of such terms with the phrase from the Qur'an "There is no compulsion in religion." All elementary and middle school textbooks except for grades three and six had reportedly been revised by year's end. Nonetheless, for example, a 2010-11 seventh-grade text contained the sentence, "The nature of the Jews is duplicity, oath-breaking, and back-stabbing." Although textbook reviews and revisions continued at year's end, the revisions were insufficiently extensive to remove all language defaming non-Muslims and pronounced anti-Semitic perspectives.

Editorial cartoons occasionally exhibited anti-Semitism characterized by stereotypical images of Jews along with Jewish symbols, particularly at times of heightened political tension with Israel. Anti-Semitic editorial comments sometimes appeared in print and electronic media in response to regional events.

The King Abdulaziz Center for National Dialogue continued to promote dialogue, tolerance, and moderation. A mix of high-level government and religious officials openly supported the center's campaign against religious extremism and intolerant language, especially in mosques and schools.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. There is no legislation mandating public accessibility to buildings, information, and communications. Newer commercial buildings often included such access, as did some newer government buildings. Persons with disabilities had equal access to information and communications.

Information about patterns of abuse of persons with disabilities in prisons and educational and mental health institutions was not available. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities. Vocational rehabilitation projects and social care programs increasingly brought persons with disabilities into the mainstream.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, societal discrimination against members of national, racial and ethnic, or tribal minorities was a problem. Foreign workers from Africa and Asia were subject to formal and informal discrimination, especially racial discrimination. The tolerance campaign of the King Abdulaziz Center for National Dialogue sought to address some of these issues.

There were numerous cases of assault against foreign workers and reports of widespread worker abuse. The Shia minority continued to suffer social, legal, economic, and political discrimination. To address the problem, the Ministries of Defense and Interior and the National Guard held antidiscrimination training courses in recent years for police and law enforcement officers. There were no reports of training during the year or of the success rate of these programs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Under Sharia as interpreted in the country, same-sex sexual conduct is punishable by death or flogging. It is illegal for men "to behave like women" or to wear women's clothes and vice versa. There were few reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity, and there was no official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care. Sexual orientation and gender identity could constitute the basis for harassment, blackmail, or other actions; however, no such cases were reported.

Other Societal Violence or Discrimination.—There was no reported societal violence or discrimination against persons with HIV/AIDS. By law the government deported foreign workers who tested positive for HIV/AIDS upon arrival or when hos-

pitalized for other reasons. There was no indication that HIV-positive foreigners failed to receive antiretroviral treatment or that authorities isolated them during the year. The Ministry of Health's HIV/AIDS program worked to fight stigma and discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law does not provide for the right of workers to form and join independent unions. The law makes no provision for collective bargaining or for workers to strike legally, and it does not prohibit retaliation against strikers.

There are no labor unions in the country, and workers face potential dismissal, imprisonment, or, in the case of migrant workers, deportation for union activities.

The government allows citizen-only labor committees in workplaces with more than 100 employees, but the government places limitations on the right of association and is heavily involved in the formation and activities of these committees. For example, the Ministry of Labor approves committee members, and ministry representatives can attend committee meetings. According to the International Trade Union Confederation's 2011 Annual Survey of Violations of Trade Union Rights, the minutes of the meetings must be submitted to management and then passed on to the minister, and the ministry can dissolve committees if they violate regulations or threaten public security. Committees can make recommendations to company management regarding only improvements to work conditions, health and safety, productivity, and training programs.

There were several strikes tied to construction projects and nonpayment of wages reported in the press during the year. Most were resolved peacefully within a few days with no reports of violence against labor leaders or activists. There were no reports that striking workers were arrested or threatened with deportation.

b. Prohibition of Forced or Compulsory Labor.—The law sets forth working conditions and pay, including for children, and implicitly prohibits forced labor through fines and bans on the violating sponsor from future hiring. In August the Ministry of Labor mandated the establishment of fewer, larger expatriate labor recruitment firms, ostensibly to better protect migrant workers, including domestic workers. At the end of the year, these "mega-recruitment firms" were still not fully operational. Under the previous system, the government did not effectively enforce legal protections for migrant workers, and the labor law does not apply to domestic employees, the largest group of workers susceptible to forced labor conditions. The 2009 antitrafficking law and other laws prohibiting abuse apply to domestic workers, and unconfirmed government reports government indicated at least some abusive sponsors were investigated and prosecuted under the statutes. There were reports that forced or compulsory labor occurred, especially among migrant workers and children. According to a June 21 Arab News article, for example, local authorities in the southern province of Jizan discovered a 45-year-old Sri Lankan maid, Indrani Mallika Hettiarachchi, who had been kept against her will without pay for nearly 14 years by her employer; authorities subsequently arrested the employer.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law states no person younger than 15 years may legally work unless that person is the only family worker. According to the International Labor Organization, children between the ages of 13 and 15 may work if the job is not harmful to health or growth and does not interfere with schooling. There is no minimum age for workers employed in family-owned businesses or other areas considered extensions of the household, such as farming, herding, and domestic service. Children younger than age 18 may not work in hazardous or harmful industries, such as mining, or industries with power-operated machinery. There were reports of foreign domestic workers younger than 18, some of whom traveled to the country with forged documents.

Child labor occurred in the country, most commonly in the form of begging. Children from poor families and foreign children trafficked into the country specifically for this purpose worked as beggars. Children from other countries, primarily Yemen and Ethiopia, were forced into child begging rings, street vending, and family businesses.

d. Acceptable Conditions of Work.—In March the king issued a royal decree setting a monthly minimum wage of 3,000 riyals ($800) for public sector employees. There was no private sector minimum wage; however, according to Saudi Arabian Monetary Agency statistics for 2009, the lowest-paid workers, manual and unskilled laborers, took home approximately 1,000 riyals ($267) per month plus some allowances, such as for living quarters.

Labor regulations provide for a 48-hour standard work week at regular pay; a weekly 24-hour rest period (normally on Fridays, although the employer may grant it on another day); and time-and-a-half pay for overtime, with a maximum of 12 additional hours. While the government enforced these standards for most workers, they did not apply to domestic workers (see section 7.b.).

Migrant domestic workers were vulnerable to abuse and exploitation, including nonpayment of wages, working long hours without rest, restrictions on movement, and physical and verbal abuse.

Bilateral labor agreements stipulate conditions on foreign workers' minimum wage, housing, benefits including leave, medical care, and other topics. Conditions varied depending on the country's relative bargaining leverage. Noncitizen laborers generally negotiated and agreed to conditions prior to arrival in the country, but many found themselves subjected to conditions to which they had not agreed to, such as delays in payment of wages, changes in employer, or different working hours and conditions. The Ministry of Labor's Migrant Workers' Welfare Department addressed cases of abuse and exploitation. Noncitizen workers were able to submit complaints and seek help from the 37 offices throughout the country, although the government was not generally responsive. The Ministry of Labor reportedly maintained a database of abusive employers and occasionally banned individuals and companies who mistreated noncitizen workers from sponsoring such workers for up to five years; however, the ministry did not provide any examples of employers banned during the year.

The estimated 8.4 million noncitizen workers, including approximately 1.5 million female domestic employees, may reside or work in the country only under the sponsorship of a citizen or business. The law does not permit noncitizens to change their workplace without their sponsor's permission, thus forcing the worker to remain with the sponsor until fulfillment of the contract or seek the assistance of the embassy to return home. Under the new Saudization program, "Nitaqaat," whose implementation began on June 11, the visas of foreign workers at companies not meeting specific goals for employing citizens as a percent of their workforce lapses, and these workers can transfer their sponsorship to a new firm. Sponsors with commercial or labor disputes with foreign employees could ask authorities to prohibit the employees from departing the country until the dispute is resolved.

Sponsoring employers controlled foreign workers' ability to remain employed and in the country. In most cases sponsoring employers held foreign workers' passports and were responsible for processing residence permits on their behalf, although the country has a law prohibiting the withholding of passports. Many noncitizen workers, particularly domestic employees, were not able to exercise their right to remove themselves from dangerous situations. Some employers physically prevented them from leaving or threatened them with nonpayment if they left.

Foreign workers can contact the labor offices of their embassies for assistance, and, although there were some accounts in the media, most information about abuses came from embassy representatives from labor exporting countries. There continued to be a large number of reported incidents of abuse, including the withholding of passports, restrictions of movement and communication, and nonpayment of wages. Credible reports suggest that employers sometimes forced female domestic employees to work 16 to 20 hours per day, seven days per week, with little or no pay. Other workers were abused as well. For example, authorities blocked Radio Netherlands' worldwide Arabic Web site after a July 15 program on Saudi mistreatment of foreign workers that included a video of the beating of an Asian worker with a stick. In some contract disputes, a sponsor held the employee in country until the dispute was resolved to force the employee to accept a disadvantageous settlement or risk deportation without any settlement. During the year both Indonesia and the Philippines put bans in place on new domestic workers from their countries working in Saudi Arabia while they sought to improve the contract terms of their workers. The Philippines also requested that prospective employers provide bank statements. As of year-end, the bans remained in place.

During the year hundreds of domestic workers sought shelter at their embassies, some fleeing sexual abuse or other violence, and some embassies maintained safe houses for citizens fleeing situations that amounted to bondage. The workers usually sought legal help from embassies and government agencies to obtain end-of-service benefits and exit visas. The government rarely filed criminal charges against abusive employers.

In addition to their embassies, domestic employees may contact the NSHR, the HRC, the governmental Permanent Committee to Combat Human Trafficking, and the Ministry of Labor's Migrant Workers' Welfare Department, a department providing services to safeguard migrant workers' rights and to protect them from

abuse. Workers may also apply to the offices of regional governors and may lodge an appeal with the Board of Grievances against decisions from those authorities.

The government engaged in a news campaign highlighting the plight of abused workers, trained law enforcement and other officials on combating trafficking in persons, and worked with the embassies of labor-sending countries to disseminate information about labor rights to foreign workers.

The labor law provides for safety inspections and enables Ministry of Labor-appointed inspectors to examine materials used or handled in industrial and other operations and to submit samples of suspected hazardous materials or substances to government laboratories. The Ministry of Health's Occupational Health Service Directorate works with the Labor Ministry on health and safety matters. Regulations require employers to protect some workers from job-related hazards and disease, although violations occurred. These regulations did not cover farmers, herdsmen, domestic servants, or workers in family-operated businesses. Foreign nationals privately reported frequent failures to enforce health and safety standards.

SYRIA

EXECUTIVE SUMMARY

Syria is a republic ruled by the authoritarian regime of President Bashar al-Asad. The president makes key decisions with counsel from a small number of security advisors, ministers, and senior members of the ruling Ba'ath (Arab Socialist Renaissance) Party. The constitution mandates the primacy of Ba'ath Party leaders in state institutions and society. President Asad and party leaders dominate all three branches of government. Asad was confirmed as president for his second seven-year term in a 2007 yes-or-no referendum that was neither free nor fair by international standards. Security forces reported to civilian authorities.

Calls for democratic reform by nonviolent demonstrators began in mid-March and continued through year's end. The Asad regime used indiscriminate and deadly force to quell such protests, including military assaults on several cities. For example, in late April the regime deprived the southern city of Dara'a of electricity, water, and medical services, and it restricted entry and exit for approximately 20 days while shelling mosques and other civilian targets. The regime maintained the use of deadly force against its citizens despite its agreement to an Arab League plan to engage in reforms and cease killing civilians on November 2. The U.N. reported that more than 5,000 civilians were killed during the year. When the protests began in March, local committees emerged and took responsibility for organizing events within their own communities. Together the committees formed the Local Coordinating Committees (LCCs) of Syria.

The three most egregious human rights problems during the year were the regime's denial of its citizens' right to peacefully change the government; massive attacks and strategic use of citizen killings as a means of intimidation and control; and denial of civil liberties such as freedom of speech, assembly, and association.

Other serious problems included disappearances; torture and abuse; poor prison and detention center conditions; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy; and lack of press, Internet, and academic freedom. Nongovernmental organizations (NGOs) remained restricted in practice, especially those that attempted to work in the areas of civil society and democracy. The government restricted freedoms of religion and movement. Several groups in society, notably a portion of the Kurdish population, were denied citizenship. There was limited progress on laws combating trafficking in persons. Violence and societal discrimination against women and minorities continued, and workers' rights remained restricted.

Impunity was pervasive and deeply embedded, as the government made no attempt to punish, arrest, or prosecute officials who violated human rights. Corruption was rampant throughout the government, and the judiciary lacked independence.

According to government-controlled media, armed opposition groups committed numerous conflict-related abuses. Given a lack of corroboration, the uncoordinated nature of armed groups, and the intensity of the conflict in many regions, it was extremely difficult to confirm whether opposition groups had committed human rights violations.

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year there were thousands of reports of arbitrary or unlawful deprivation of life, many as a result of government actions against peaceful prodemocracy protesters. Human Rights Watch

(HRW), among other NGOs, recorded testimony from several members of government security forces claiming commanding officers ordered them to fire on protesters. The U.N. reported that since the March protest began, more than 5,000 civilians had been killed by year's end, while UNICEF confirmed that at least 386 children were killed in the same period. Activist groups inside the country reported numerous undocumented deaths and alleged that the regime arbitrarily killed hundreds of civilians with heavy weaponry. According to reports, the regime fired antiaircraft guns at civilians in several cities, including Homs in August, September, and November. Eyewitnesses also reported the use of snipers in various cities including Dara'a, Homs, Deir al-Zour, and Damascus and its suburbs. Activists reported that victims were often chosen at random and many of them were not associated with the protests. According to a June 1 HRW report, on multiple occasions beginning in March, government security forces shot and killed protesters in the southern governorate of Dara'a and prevented injured protesters from receiving medical care, resulting in many more deaths. Other NGOs reported similar events elsewhere, as well as that security forces entered hospitals in order to slow or interrupt medical care. The government also reportedly tortured detainees to death. An August 31 Amnesty International (AI) report detailed extrajudicial killings in detention facilities, noting that at least 88 deaths were reported to AI between April 1 and 15 and that there was evidence that torture caused or contributed to death in at least 52 cases. The government claimed it had set up a commission to investigate allegations of torture and extrajudicial killings, but at year's end there was no evidence it was operational.

On the evening of April 17, unknown attackers killed 17 protesters in Homs when they opened fire on a crowd mourning the death in custody of a tribal leader. The government did not launch an investigation into the incident, stating that members of the ultraconservative Salafist Muslim organization were responsible, but antigovernment activists maintained that government agents perpetrated the violence.

On May 24, one month after his disappearance, security forces returned the body of 13-year-old Hamza Khatib to his family. On April 29, according to human rights observers, Khatib was arrested during antigovernment protests in the southern city of Saida. Activists reported that government security forces severely tortured, castrated, and killed the boy. Videos of an unofficial autopsy showed a corpse badly scarred and beaten with bullet wounds in both arms. There were no arrests or prosecutions of those responsible for Khatib's death.

At year's end there were no known developments in cases of unlawful killing from prior years, including Riyadh Ahmed Khalil, Wadee' Sha'booq, and Yusuf Jabouli.

b. Disappearance.—Forced disappearances took place in previous years; however, the number of disappearances reported increased substantially after antiregime demonstrations began in mid-March. The vast majority of disappearances reported by activists, human rights observers, and international NGOs appeared to be politically motivated. The regime targeted critics and antigovernment protesters. LCCs and the international NGO Insan reported thousands of disappearances following antigovernment protests. Detention without notification was common.

On April 22, for instance, 18-year-old Abdel Aziz Kamal al-Rihawi disappeared from the Damascus suburb of Harasta after attending antigovernment demonstrations. Insan reported that al-Rihawi had called a relative and said that security forces shooting live ammunition were preventing him from leaving the area. At year's end the government had not provided any information about his disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the penal code provides up to three years' imprisonment for violations. Local NGOs reported a substantial increase in the use of torture by authorities subsequent to the onset of antigovernment protests in March. Activists cited hundreds of credible cases of security forces allegedly abusing and torturing prisoners and detainees, maintaining that many instances of abuse went unreported. Some victims died as a result of torture. Others declined to allow their names or details of their cases to be reported for fear of government reprisal. Numerous NGOs, including the Syrian Observatory for Human Rights (SOHR), asserted that hundreds of corpses returned to families during the year exhibited signs of torture on their bodies. There were a significant number of exceptionally brutal cases of abuse of children by the regime during the year.

The U.N. Commission of Inquiry's November 28 report included numerous testimonies on sexual torture used on male detainees such as beating of the genitals, forced oral sex, electroshocks and cigarette burns to the anus, and repeated threats that they would be raped in front of their family and that their wives and daughters

would also be raped. The commission also reported that former detainees witnessed the presence of children younger than 10 in detention centers in various locations run by the military and security forces and that torture was applied equally to adults and children. Testimonies indicated that boys in detention were subjected to sexual torture in front of adult men; for instance, a 20-year-old man witnessed the rape of an 11-year-old boy by three security service offers while another man witnessed a 15-year-old boy being raped in front of his father. Former prisoners, detainees, and reputable local human rights groups reported that other methods of torture and abuse included electrical shocks, pulling out fingernails, forcing objects into the rectum, beatings while the victim is suspended from the ceiling and on the soles of the feet, alternately dousing victims with freezing water and beating them in extremely cold rooms, hyperextending the spine, bending the body into the frame of a wheel and whipping exposed body parts, using a backward-bending chair to asphyxiate the victim or fracture the spine, and stripping prisoners naked for public view.

On March 6, local secret police arrested and tortured 15 boys between the ages of 10 and 15 who had spray-painted revolutionary messages on a wall in the southern governorate of Dara'a. Police reportedly beat and burned the children and pulled out their fingernails. When the boys' families marched on the governor's house to demand their release, security forces opened fire on them, sparking demonstrations and government actions in retaliation. Authorities released the children after two weeks.

On September 10, the body of activist Ghiyath Mattar was returned to his family with noticeable signs of torture. On September 6, air force intelligence officers had arrested him in the Damascus suburb of Daraya. There were no investigations by authorities into his death.

Berazani Karro, a Kurd who was reportedly tortured in detention and sentenced to five years in prison in March 2010, was believed to have been released.

Prison and Detention Center Conditions.—Harsh and life-threatening prison conditions were common, especially after arrests stemming from the protests caused a substantial increase in the prison and detention center population. The generally poor facilities did not meet international standards for health and sanitation. Detention conditions at security and intelligence service facilities were the harshest, while those at the Ministry of Justice were less severe. Facilities lacked proper ventilation, lighting, access to potable water or adequate food, and sufficient sleeping quarters. Released prisoners commonly complained of sickness and injury due to unacceptable conditions. Reports of maltreatment and abuse of prisoners were very common According to local and international NGOs, the government held prisoners and detainees without adequate basic or emergency medical care.

The government did not provide statistics on its prison population, but NGOs highlighted overcrowding as one of the major problems in prisons. Because of increased arrests and detentions during the year, according to international media, authorities converted stadiums to prisons for antiregime demonstrators in the coastal city of Banias and the southern city of Dara'a. Activists asserted that the regime also housed arrested protesters in factories and vacant warehouses that were overcrowded and lacked adequate bathroom facilities.

The government reportedly held minors in adult facilities. Pretrial detainees were usually held separately from convicted prisoners. However, during the year they were often temporarily held together in inadequate spaces. Facilities for political or national security prisoners, especially accused Islamists, were generally much worse than those for common criminals.

Each branch of the four security services operated its own detention centers, and most cases of torture or mistreatment reportedly occurred in these facilities. According to local NGOs, authorities sometimes deliberately placed political prisoners in crowded cells with convicted and alleged felons and subjected them to verbal and physical threats. Political prisoners also reported they often slept on the ground due to lack of beds, were subject to frequent searches, and faced solitary confinement if authorities found them in possession of impermissible items. Guards regularly eavesdropped on political prisoners' conversations with their lawyers and visiting family members. Some former detainees and human rights observers reported that the government denied political prisoners access to reading materials, including the Qur'an.

The LCCs reported that government security forces used excessive force to quell several prison riots during the year. On June 22, for example, security forces suppressed a general strike by prisoners in a prison in Hassakeh. According to the LCCs, after prisoners took the main prison square, security forces stormed the prison with tear gas and live ammunition. Four people were reportedly killed as a result

of the operation. The government did not release any information on this or any other prison riot during the year.

There were numerous examples of authorities failing to protect those in custody. Several human rights groups reported that the regime actively incited violence against political prisoners. On September 10, SOHR reported that regime loyalists beat prominent activist Najati Tayara in his prison cell in Homs. The 66-year-old Tayara was arrested after he reported to Western media that the regime was "shelling" Homs in response to political protests against the regime.

According to NGOs, prisoners have the right to complain about harsh treatment or conditions. However, there were no credible mechanisms or avenues for prisoners to complain or submit grievances, and authorities rarely investigated allegations or provided public documentation of complaints or grievances. Activists reported there was no ombudsman to serve on behalf of prisoners and detainees. There were no serious attempts by the government to improve recordkeeping or use alternative sentences for nonviolent offenders. Prisoners officially charged with crimes had limited access to visitors, although most visits were closely monitored by security officials. However, thousands of prisoners detained without charge were held incommunicado in unknown locations.

The government generally prohibited independent monitoring of prison or detention center conditions; however, diplomatic and consular officials had limited access in some cases. On September 6, the regime allowed a high-profile visit from the staff of the International Committee of the Red Cross, who toured the central prison in the Damascus suburb of Adra and met with several prisoners.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention. In practice, however, these activities persisted and were significant problems. In effect until April 19, the Emergency Law authorized the government to conduct preventive arrests and overrode constitutional and penal code provisions against arbitrary arrest and detention, including the need to obtain warrants. After the Emergency Law was technically lifted, security forces continued to make arbitrary arrests and often accepted bribes to release those arrested.

Role of the Police and Security Apparatus.—Civilian authorities did not maintain effective control over the four major branches of security forces. Military Intelligence and Air Force Intelligence report to the Ministry of Defense, the Political Security Directorate reports to the Ministry of Interior, and the General Intelligence Directorate reports directly to the Office of the President. The Interior Ministry controls the four separate divisions of police forces: emergency police, traffic police, neighborhood police, and riot police.

Impunity was a widespread problem. The General Command of the Army and Armed Forces may issue an arrest warrant in the case of crimes committed by military officers, members of the internal security forces, or customs police officers in the pursuit of their normal duties; such cases must be tried in military courts. In practice there were no known prosecutions or convictions of police and security force personnel for abuse and corruption, and the security forces operated independently and generally outside the control of the legal system. There were no reported government actions to reform the security forces or the police.

Arrest Procedures and Treatment While in Detention.—Warrants are generally required for arrest in criminal cases. Upon arrest, the individual is usually brought to a police station for processing and detained until a trial date is set. The length of time a person could be held without charge was unknown. At the initial court hearing, which can be months or years after the arrest, the accused may retain an attorney at personal expense or be assigned a court-appointed attorney, although lawyers are not ensured access to their clients before trial. The law provides for prompt access to family members, but NGOs and families reported inconsistent application of the law, with some families waiting as long as a year to see relatives. Civil and criminal defendants have the right to bail hearings and possible release from detention on their own recognizance. This right was not applied consistently throughout the legal system and was rarely available to pretrial detainees.

In cases involving political or national security offenses, arrests were often carried out in secret with cases assigned in a seemingly arbitrary manner to military, security, or criminal courts. Suspects were detained incommunicado for prolonged periods without charge or trial and denied the right to a judicial determination regarding pretrial detention. In most cases detainees were not informed of charges against them until their arraignment, which was often months after their arrest. Security detainees did not have access to lawyers before or during questioning or throughout the preparation and presentation of their defense. Following the increase in civil unrest in mid-March, many more suspects were accused of political and national security offenses.

The government often failed to notify foreign governments when their citizens were arrested or detained or after they had been released or deported, especially when the case involved political charges.

Arbitrary Arrest.—In effect until April 19, the Emergency Law authorized the government to conduct preventive arrests and overrode constitutional and penal code provisions against arbitrary arrest and detention, including the need to obtain warrants. After the Emergency Law was technically lifted, security forces continued their previous practices and, in fact, arrested more individuals arbitrarily. There were also several reports that the security services would arrest relatives of a wanted person to pressure that individual to surrender. Warrants and court orders were rarely issued or presented before an arrest. Most detentions were made secretly at the order of one of the security branches. Arbitrary and false arrests were common, and detainees had no legal redress. Often the authorities cited no reasons for arresting civilians.

Human rights observers and watchdog groups estimated that the government arbitrarily arrested tens of thousands of citizens during the year, most notably those who took part in antigovernment demonstrations, but also alleged Islamists, Muslim Brotherhood members, and civil society and human rights activists. Activists and international humanitarian organizations stated that government forces conducted security raids in response to antigovernment protests in several towns and cities, including Dara'a, the Damascus suburb of Muadamiyah, the coastal city of Lattakia, and the central cities of Homs and Hama, arresting men between 16 and 50 years old.

On March 25, the secret police arrested a foreign engineer in Damascus for filming antigovernment protests and held him in an undisclosed location. Security authorities reportedly forced him to make a taped confession broadcast on state television, where he said he had sold photographs of demonstrations to a foreign government. On April 1, he was released from custody without charge and allowed to leave the country. The government did not notify his embassy of the arrest or allow access to him.

Pretrial Detention.—Many people who disappeared were believed to be either in long-term detention without charge or possibly to have died while detained. Many detainees brought to trial had been held incommunicado for years. A shortage of available courts and lack of legal provisions for a speedy trial or plea bargaining also contributed to lengthy pretrial detentions.

Amnesty.—There were two announced amnesties during the year, with President Asad reportedly pardoning or reducing sentences of thousands of prisoners of conscience as well as other prisoners. Several known political prisoners were released, including Haithem al-Maleh and blogger Kamal Sheikho; however, Shiekho was subsequently rearrested on March 16 after engaging in a protest calling for the release of political prisoners. HRW reported on December 27 that authorities transferred hundreds of detainees to off-limits military sites to hide them from Arab League monitors in the country.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but courts were regularly subject to political influence, and outcomes of cases with political context appeared predetermined. An estimated 95 percent of judges were Ba'athists or closely aligned to the Ba'ath Party.

Trial Procedures.—Defendants before civil and criminal courts are entitled to legal representation of their choice; the courts appoint lawyers for indigents. Defendants are presumed innocent and are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants can appeal verdicts to a provincial appeals court and ultimately to the Court of Cassation. There are no juries. Defendants and their attorneys have access to government-held evidence relevant to their cases. Human rights lawyers noted that in some politically charged cases, the prosecution case files that defense lawyers were allowed to see did not include any evidence.

Not all citizens enjoyed these rights equally because parts of the family and criminal law are based on sharia and discriminate against women. Some personal status laws use sharia regardless of the religion of those involved.

On April 18, President Asad formally announced the dissolution of the Supreme State Security Court (SSSC), which conducted unfair, nonpublic trials not subject to judicial appeal.

Political Prisoners and Detainees.—Throughout the year the government detained critics and charged them with a wide range of political crimes, including treason. The number of political prisoners and detainees—both citizens and foreigners—was difficult to determine due to the lack of official government information and because

different security services, each of which maintained its own incarceration facilities, held significant numbers of such detainees. Authorities refused to divulge information regarding numbers or names of persons in detention on political or security-related charges. Local human rights observers estimated that authorities arrested more than 10,000 political prisoners between March 15 and year's end, a marked increase from the previous year. The figure included participants in antigovernment protests. The government frequently held political detainees in regular jails or in detention centers run by the security forces for extended periods without charges or trials and did not inform their families. The government tried such detainees in criminal court.

During the year the government rearrested and briefly detained several signatories of the Damascus Declaration (a statement of unity by Syrian opposition figures issued in 2005), most notably Riad Seif and Ali Abdallah. On June 17, after his May amnesty, security forces rearrested Abdallah and subsequently released him on July 20. On May 5, security forces rearrested Seif after he participated in antigovernment protests in Damascus but released him after 10 days.

On February 14, the government sentenced 18-year-old blogger Tal al-Mallouhi to five years in prison for the "leaking of sensitive information" on her blog. Mallouhi was first arrested in 2009 and held for more than one year without being charged or provided legal representation and without access to her family. The secret trial took place at the SSSC without independent observers.

Civil Judicial Procedures and Remedies.—Civil remedies for human rights violations were in practice nonexistent.

Property Restitution.—Security forces routinely seized detainees' property and personal items. Following the beginning of civil unrest, confiscation of personal telephones, computers, and electronics by the authorities increased sharply. According to local human rights contacts, specific cases were too frequent to track. Security forces did not catalogue these items in accordance with the law, and although detained individuals had the right to retrieve them after their release, authorities often did not return the property.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, but the Emergency Law in effect until April 19 authorized security services to enter homes and conduct searches without warrants if broadly defined security matters are involved. After the Emergency Law was lifted, the practice reportedly continued. Police bypassed the normal search warrant requirement in most instances by citing security reasons or emergency grounds for entry. Random home raids occurred in the large cities or towns of most governorates, usually following large antigovernment protests.

The government opened mail addressed to both citizens and foreign residents and routinely monitored Internet communications, including e-mail (see section 2.a.).

The government barred membership in some political organizations, including Islamist parties, whose members were often arrested. The government tolerated other illegal political parties (see section 3, Elections and Political Participation).

The government actively targeted and arbitrarily arrested the family members of government critics and human rights groups. On August 30, air force intelligence agents seized Yassin Ziadeh, the brother of exiled activist Radwan Ziadeh. Activists reported that the government targeted Yassin due to his brother's criticisms of the regime. At year's end Yassin continued to be held incommunicado at an unknown location and had not been charged. Composer Malek Jandali's parents were killed in their home in Homs in retaliation for Jendali's activities in the United States.

There were unconfirmed reports that security personnel forced prisoners to watch relatives being tortured to extract confessions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—While the constitution provides for freedom of speech and the press, the government virtually eliminated these rights in practice.

Freedom of Speech.—The government maintained broad discretion to determine what constituted illegal expression, and individuals could not criticize the government publicly or privately without fear of reprisal. The regime also stifled criticism by invoking penal code articles prohibiting acts or speech inciting sectarianism, and it monitored political meetings and used informer networks.

Freedom of Press.—The government exercised extensive control over local print and broadcast media, and the law imposes strict punishment for reporters who do not reveal their government sources in response to government requests. The government or the Ba'ath Party owned and operated most newspaper publishing houses. A number of quasi-independent periodicals, usually owned and produced by

individuals with government connections, were published during the year. The government prohibited all Kurdish-language publications, although there were credible reports that such publications were available in the country.

The government owned some radio and most local television companies, and the Ministry of Information closely monitored all radio and television news and entertainment programs to ensure adherence to government policies. Despite restrictions on ownership and use, satellite dishes were widely used, although the government jammed some Arab networks.

The government owned or controlled nearly all book publishing houses. Books critical of the regime were illegal.

Violence and Harassment.—As in previous years, government forces detained, arrested, and harassed journalists and other writers for works deemed critical of the state. Harassment included attempts at intimidation, banning them from the country, having journalists dismissed from their positions, or failing to respond to requests for continued accreditation. Journalists were also subject to physical attacks during the year.

There were increased reports of government harassment of foreign correspondents covering the unrest in the country. The government accused satellite channels, such as Al Jazeera, of distorting or fabricating the facts, and the regime sponsored aggressive demonstrations outside the embassy of Qatar, the country where Al Jazeera is based. It was very difficult for correspondents to obtain visas, although some of this eased in December. Government security forces often followed and monitored foreign reporters throughout the country.

On August 25, according to human rights observers, masked men who reportedly were part of a proregime group kidnapped prominent cartoonist and activist Ali Ferzat and broke both his hands so that he could no longer draw, before leaving him by the side of the road with a bag over his head. At year's end there had been no public investigations or arrests related to the case.

Raghda Hassan, a writer and veteran activist arrested by security forces in February 2010, was released early from prison during the year.

Censorship or Content Restrictions.—The government strictly controlled the dissemination of information and prohibited most criticism of the government and discussion of sectarian issues, including religious and ethnic minority rights. The Ministries of Information and Culture censored domestic and foreign publications prior to circulation or importation and stopped circulation when content was judged to be critical or sensitive. Publication or distribution of any material security officials deemed threatening or embarrassing to the government was prohibited. Censorship was usually greater for materials in Arabic.

Local journalists exercised self-censorship on subjects such as criticism of the president and his family, security services, or Alawite religious groups. Foreign journalists who did not observe these guidelines were barred from the country, and domestic journalists who broke the rules and wrote on these issues were required to live outside the country or risk being arrested upon their return.

Libel Laws/National Security.—The media law in force until August 25 prohibited the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of publishing such information were subject to prison terms ranging from one to three years and fines ranging from 500,000 to one million Syrian pounds (SYP) ($9,000 to $18,000). According to the new media law issued on August 25, journalists could not be imprisoned for practicing their profession; however, they could face fines of up to one million SYP ($18,000) for speaking out against the regime.

Internet Freedom.—There were government restrictions on access to the Internet and reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could not engage without prospect of punishment in the expression of views via the Internet, including by e-mail. The government applied the media law, as well as general legal code, to regulate Internet use and prosecute users.

The government often monitored Internet communications, including e-mail, and interfered and blocked Internet service in various cities. The security branches were largely responsible for restricting Internet freedom. The government made no attempts to oversee or restrict the security branches' monitoring and censoring of the Internet. Internet blackouts often occurred on Fridays to coincide with the usual timing of antigovernment protests. According to various groups, all of the country's Internet service providers regularly blocked access to a variety of Web sites. Observers estimated that approximately 180 sites were blocked at one time or another, including the proreform Web site All4syria.org and sites associated with Kurdish op-

position groups, the Muslim Brotherhood, the Syrian Muslim Brotherhood, and antigovernment Arabic newspapers such as Sharq al-Awsat.

On February 8, after nearly five years, the government lifted bans on Facebook and YouTube; however, human rights observers reported the government continued to impede the flow of information on government violence out of the country, particularly YouTube images of protesters being beaten, arrested, and killed. In December the government banned the use or import of iPhones, which had been used by citizens to document and share evidence of violence surrounding the protests. Human rights activists believed the government often attempted to collect personally identifiable information of activists on the Internet in order to coerce or retaliate against them. Activists reported that they were forced by authorities to turn over the passwords to their e-mail and social media accounts, and that their Web sites and accounts were subject to attacks by cybercriminals with allegiance to the government. Opposition members and independent reports indicated that Internet and mobile communications were cut off on a regional basis during key moments of unrest.

On July 1, authorities arrested blogger Anas Al-Marawi after he demanded that President Asad leave the country. He was released without charge on August 28.

Academic Freedom and Cultural Events.—The government restricted academic freedom and cultural events. Teachers generally were not permitted to express ideas contrary to government policy. Authorities permitted slightly more freedom of expression at the university level, but the government imposed restrictions on the ability of public universities to associate with foreign cultural centers.

The Ministry of Culture banned and censored films and exercised the right of approval over films shown at cultural centers operated by foreign embassies.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of assembly, but Emergency Law provisions superseded this right, and the government continued to restrict freedom of assembly after the Emergency Law's repeal. On September 6, President Asad issued Decree No. 110 amending the law regulating peaceful protest. The amendment restored to the government the broad powers it previously exercised under the Emergency Law, and it criminalized demonstrations, increasing penalties for violators from a fine of 5,000 SYP ($90) to as much as one year's imprisonment plus a fine of 50,000 SYP ($900).

Ministry of Interior permission is required for demonstrations or any public gathering of more than three persons. The ministry generally did not respond to requests or approved them after the scheduled date of the event. As a rule only demonstrations by the government, government-affiliated groups, or the Ba'ath Party were authorized, and these were orchestrated by the regime on numerous occasions.

The government used unnecessary force against peaceful demonstrators on many occasions during the year, killing numerous persons (see section 1.a.). For example, on March 16, family members of prisoners of conscience gathered in a Damascus square to support those detained. Within minutes of beginning, security officers dressed in civilian clothing allegedly violently dispersed the silent vigil, which included women, children, and the elderly, and detained at least 34 persons.

Freedom of Association.—The constitution permits private associations but also grants the government the right to limit their activities. In practice the government restricted freedom of association, requiring prior registration and approval for private associations. The government restricted the activities of associations and their members, and the executive boards of professional associations were not independent.

The government often denied requests for registration or failed to act on them, presumably on political grounds. None of the approximately 14 local human rights organizations operated with a license, but many functioned under organizations that had requisite government registration. The government continued to block the multiyear effort by journalists to form a regional Arab media association. On August 4, President Asad issued a decree permitting the legal establishment of independent political parties; the press reported several proregime groups were establishing parties (see section 3, Elections and Political Participation).

Under the authority of laws that criminalize membership and activity in organizations that the government deems illegal, security forces arrested hundreds of persons linked to local human rights groups and prodemocracy student groups.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement "within the territories of the state unless restricted by a judicial decision or by the implementa-

tion of laws." In practice the government imposed restrictions on in-country movement and foreign travel. The government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR), the U.N. Relief and Works Agency for Palestine Refugees in the Near East, and other humanitarian organizations in assisting refugees and asylum seekers.

In-Country Movement.—The government maintained security checkpoints, primarily in military and other restricted areas. Foreign diplomats were not permitted to travel in most of the country, and following the unrest, they were rarely granted permission to travel outside Damascus.

Foreign Travel.—Although citizens are ostensibly free to travel internationally, in practice the government limited freedom of movement for foreign travel and emigration by requiring citizens to apply for exit visas. In addition, the government often imposed travel bans on oppositionists and human rights or civil society activists. Individuals the government banned from traveling internationally during the year included many of the Damascus Declaration members, political activists, and bloggers. Human rights observers believed the actual number of activists affected by a travel ban was in the tens of thousands and increased throughout the year. Many citizens learned of the ban against their travel only after they were prevented from departing the country. The government usually applied travel bans without explanation for their basis or duration, including in cases when individuals needed to travel for health reasons.

The government often reported it had lifted a travel ban against a certain activist but nevertheless prevented him or her from traveling outside the country. For instance, on August 30, security officials prevented Damascus Declaration leader Riad Seif from traveling, although the government announced his travel ban had been lifted earlier in the year. Seif was attempting to travel to Germany for cancer treatment, but security officials alleged that he had suspicious luggage and did not allow him on the plane.

In June President Asad reportedly placed a travel ban on his cousin, Brigadier General Atef Najib, the head of the security forces in Dara'a, in response to the use of excessive force there. There was no report of any credible investigation by the government into state security operations or any court rulings against Najib.

Women over age 18 have the legal right to travel without the permission of male relatives, but a husband may file a request with the Interior Ministry to prohibit his wife from departing the country.

Emigration and Repatriation.—Persons who have unsuccessfully sought asylum in other countries and who have past connections with the Muslim Brotherhood have been prosecuted upon their return to the country. The law provides for the prosecution of any person who attempts to seek refuge in another country to escape a penalty in Syria. The government routinely arrested dissidents and former citizens with no known political affiliation who tried to return to the country after years or even decades in self-imposed exile. Emigrants who did not complete mandatory military service could pay a fee to avoid conscription while visiting the country. Persons of Syrian origin who were born in a foreign country but were able to demonstrate service in the army of the country of birth were exempt from military service without payment.

Internally Displaced Persons (IDPs).—Observers estimated there were approximately 300,000 IDPs in the country with numerous media reports on the increasing numbers of internally displaced persons due to drought and political unrest. It was unclear whether there were laws and policies in place in accordance with the U.N. Guiding Principles on Internal Displacement. The government provided limited food relief through the Syrian Arab Red Crescent (SARC). In cooperation with the SARC, international organizations such as the World Food Program and International Federation of the Red Cross and Red Crescent Societies provided additional food and medical assistance. There were no government resettlement efforts for IDPs.

Protection of Refugees.—Access to Asylum.—The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government respected the UNHRC's eligibility determinations regarding asylum seekers.

Nonrefoulement.—During the year the government forced at least 84 asylum seekers to return to where their lives or freedom may have been threatened. The government also forcibly returned some Iraqi refugees, including women whom authorities had arrested on charges of prostitution, depositing them across the border in Iraq.

Refugee Abuse.—Incidents of refugee abuse occurred. For example, in August military forces swept through the al-Ramel Palestinian refugee camp in Latakia, forcing approximately 8,000 refugees to flee. The population was displaced to the beach and

to a nearby stadium while the military terrorized the few residents who remained in the camp. The refugees subsequently returned to their homes in the camp.

In October military forces detained a 15-year-old Iraqi refugee and deported him back to Iraq without notifying the UNHRC. The boy claimed he was raped and tortured in custody with electric shocks to extract information on the alleged illegal activity of other refugees.

During the year the UNHRC assisted 711 refugee victims of gender-based violence through several "safe houses" in Damascus that provided accommodation, food, social counseling, vocational training, and legal and medical services for refugee women and children who had suffered any form of violence in the country or prior to their arrival.

Employment.—The law does not explicitly permit refugees, except for Palestinians, the right to work. The government rarely granted refugees a work permit; however, many refugees found work in the informal sector as guards, construction workers, street vendors, and in other manual jobs. U.N. agencies reported that security services continued the practice of detaining Iraqi refugees for working without a permit.

Access to Basic Services.—The law allows for the issuance of identity cards to Palestinian refugees and the same access to basic services provided to citizens. Iraqi refugees are also allowed access to publicly available services, such as health care and education.

Stateless Persons.—Citizenship is derived solely from the father, living or deceased. Following the 1962 census, approximately 120,000 Kurds lost their citizenship. The single-day census in 1962 was ordained by legislative decree and executed unannounced to the inhabitants of al-Hassake Province. Government justification for this measure was to identify Kurds who had entered the country since 1945. In practice anyone who was not registered for any reason or did not have all the required paperwork became "foreign" overnight, and anyone who refused to participate was recorded as "undocumented." This process stripped some 150,000 Kurds of Syrian nationality. As a result they and their descendants lacked identity cards and therefore were unable to access government services, including health care and education. They also faced social and economic discrimination. Furthermore, stateless Kurds do not have the right to inherit or bequeath assets, and their lack of citizenship or identity documents restricted their travel to and from the country.

On April 7, President Asad issued Decree No. 49 declaring that stateless Kurds in the Hassake Governorate registered as "foreigners" could apply for citizenship, and as of September 13, the Web site KurdWatch reported that 51,000 stateless Kurds had received identity cards indicating their citizenship. However, the decree did not extend to the approximately 160,000 "unregistered" stateless Kurds, who remained without a national identity at year's end.

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

Although the constitution provides the right for citizens to peacefully change their government through elections, in practice they did not have that right because elections were neither free nor fair.

Elections and Political Participation.—Recent Elections.—On December 12, local council elections were held across the country. The government claimed widespread participation, with upwards of 85 percent voter turnout in some areas. However, reports from activists indicated very low voter turnout and low public awareness of candidates running for office.

The most recent presidential and parliamentary elections took place in 2007. The government barred international election monitors from entering the country to observe the elections. Local and international human rights advocates found the elections neither free nor fair and stated that they served to reassert the primacy and political monopoly on power of President Bashar al-Asad and the Ba'ath Party. Although some opposition groups estimated voter turnout in the presidential election at significantly less than 50 percent, the government's official statistics reported voter turnout to be 96 percent, and President Asad reportedly won 98 percent of the vote. Outside observers uniformly dismissed the voter statistics as fraudulent and not representative of observed participation.

On September 28, President Asad issued Decree No. 374, forming the Higher Committee for Elections, which is composed of five judges and tasked with supervising the electoral process.

Political Parties.—The president and the Ba'ath Party suppressed political opposition. The constitution provides that the Ba'ath Party is the ruling party and ensures that it has a majority in all government and popular associations, such as workers'

and women's groups. The Ba'ath Party dominated the 250-member People's Council. The Ba'ath Party and nine other smaller satellite political parties constitute the coalition National Progressive Front, the only framework for legal political party participation for citizens. This changed on August 4 when President Asad issued Decree No. 100, which allows the establishment of political parties, although it forbids those based on religion, tribal affiliation, or regional interests. Several political groups tolerated by the government were planning to establish political parties.

Membership in the Ba'ath Party or close familial relations with a prominent party member or powerful government official assisted in economic, social, or educational advancement. Party or government connections made it easier to gain admission into better schools, access lucrative employment, and achieve greater advancement and power within the government, military, and security services. The government reserved certain prominent positions, such as provincial governorships, solely for Ba'ath Party members.

In practice the government tolerated some other political parties, such as the Communist Union Movement, and it subjected members of other parties, such as the Communist Action Party, People's Party, and Arab Social Union, to harassment but not automatic arrest for membership. Members of Islamist parties were subject to immediate arrest. Including the Muslim Brotherhood and 12 Syrian Kurdish parties, there were an estimated 30 illegal opposition political parties of varying sizes and influence operating in the country.

Participation of Women and Minorities.—Women and minorities generally participated in the political system without formal restriction.

During the year a female vice president and three female cabinet ministers were in office. Thirty of the 250 members of parliament were women. In addition, the president had two high-ranking female advisors.

There are Christian, Druze, and Kurdish ministers in the parliament. Alawites, the ruling religious minority, held greater power in the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. Corruption continued to be a pervasive problem in the police forces and security services. During the year there were reports of prison guards demanding bribes from prisoners and their visitors. Visiting family members who paid higher bribes enjoyed visits to detainees without police surveillance. Bribes reportedly ranged from 200 to 3,300 SYP ($3.60 to $60). Human rights lawyers and family members of detainees said government officials in courts and prisons solicited bribes for favorable decisions and provision of basic services. Traffic police officers regularly solicited bribes from drivers, and child laborers reported bribing police to avoid arrest.

Beginning in mid-March Rami Makhlouf, the wealthiest man in the country and a cousin of President Asad, was the target of public anger and a symbol of regime corruption. Makhlouf is believed to own majority interests in several industries such as telecommunications, industry, oil, and duty-free shops. In response to widespread protests, on June 16, Makhlouf publicly announced he would dedicate his assets and time to charity work.

There are no public financial disclosure laws for public officials. The prime minister's Central Commission for Control and Inspection is the main administrative body responsible for coordinating and monitoring public sector corruption. Each government body, including the ministries, has a Control and Inspection Department that reports directly to the Central Commission.

In previous years there were no laws providing for public access to government information, and the government granted no access in practice. The media law issued on August 25 provides for access to information from ministries and other government institutions, but there was no information about whether it was implemented during the year.

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

The government restricted attempts to investigate alleged human rights violations and rarely cooperated with any independent attempts to look into alleged violations. The government did not grant permission for the formation of any domestic human rights organizations. Dozens of such groups operated illegally in the country and increased as a result of civil unrest throughout the year. During the year there were reports that the government harassed domestic human rights activists by subjecting them to regular surveillance and imposing travel bans as they sought to attend workshops and conferences outside the country. Domestic organizations reported that they rarely received responses from the Ministry of Social Affairs and Labor.

The government normally responded to queries from human rights organizations and foreign embassies regarding specific cases by reporting that the case was still under investigation; that the prisoner in question had violated national security laws; or, if the case was in criminal court, that the executive could not interfere with the allegedly independent judiciary.

In general the government was highly suspicious of international human rights NGOs and typically did not allow them into the country. As a matter of policy, the government denied to international human rights groups that it had committed any human rights abuses. The government continued to bar HRW from visiting the country. It denied other organizations access to several locations where government agents were launching assaults on antigovernment protesters. Following the onset of unrest in mid-March, the government also placed more restrictions on humanitarian and aid organizations.

U.N. and Other International Bodies.—The government failed to cooperate with or grant access to the UNHRC's independent commission of inquiry, explaining that it would examine the possibility of cooperating with the commission once the work of its own independent special legal commission was completed; however, there were no reports that the government took steps to establish its own commission during the year. The U.N. commission published its report on November 28.

While the regime permitted Arab League monitors to enter the country, it restricted their access and movement. The majority of participating Arab countries pulled their monitors from the mission due to the government's impediments to the monitors' efforts and the continued killing of civilians and other human rights violations.

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

The constitution provides for equal rights and equal opportunity for all citizens and prohibits discrimination based on race, gender, disability, language, or social status. The government did not enforce the law effectively or make any serious attempt to do so.

Women.—Rape and Domestic Violence.—Rape is a felony, but the government did not effectively enforce existing rape laws. There are no laws against spousal rape. According to the law, rape is considered to occur "when a man forces a woman who is not his wife to have intercourse" and is subject to punishment of at least 15 years in prison. The law further stipulates that the rapist faces no punishment if he marries the victim. The victim's family sometimes agrees to this arrangement to avoid the social stigma attached to rape. If the victim is too young for marriage, the rapist receives a longer prison sentence. Recent statistics on the incidence of rape were not available; observers reported at least 1,300 cases in 2009.

The law does not specifically prohibit domestic violence, and violence against women went unpunished during the year. The majority of domestic violence and sexual assault cases were not reported; victims traditionally have been reluctant to seek assistance outside the family for fear of social stigmatization. Observers reported that when some abused women tried to file a police report, the police did not investigate their reports thoroughly, if at all, and in other cases police officers responded by abusing the women, including by sexual harassment, verbal abuse, hair pulling, and slapping, particularly at the criminal security branch at Bab Musallah in Damascus. Victims of domestic violence have the legal right to seek redress in court, but few did so because of the social stigma attached to such action.

The Sisters of the Good Shepherd in Damascus continued to run a 24-hour emergency shelter and telephone hotline for female victims of domestic violence and reported that the police had been increasingly helpful in referring women to the shelter. Additionally, the Association for Women's Role Development, Oasis of Hope, and the Syrian Family Planning Association provided family and psychological counseling to battered women in Damascus.

Gender-based violence was an ongoing issue for the Iraqi refugee population (see section 2.d.).

Harmful Traditional Practices.—The law does not specifically prohibit "honor crimes" and in fact permitted judges to reduce usual legal penalties for such crimes, as they often did in practice. The government kept no official statistics on honor crimes; however, there were numerous press and anecdotal reports of honor crimes throughout the year. According to an Interior Ministry estimate from mid-2008 to mid-2009, 38 honor crimes took place. NGOs estimated there were between 300 and 400 such killings during the year, since actual numbers were likely higher than the number of cases reported. The media reported on January 13 that a man tied up his unmarried, pregnant sister and forced her to swallow pesticide, which killed her.

Sexual Harassment.—The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment rarely was reported nor laws against it enforced.

Reproductive Rights.—The government generally respected the basic rights of couples and individuals to decide the number, timing, and spacing of children free from discrimination, coercion, and violence. Apart from the general insecurity in the country and attendant economic difficulties, there were no impediments to access to information on family planning, contraception, and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric care and postpartum care.

Discrimination.—The constitution provides for equality between men and women and for the "right of every citizen to earn his wage according to the nature and yield of the work." However, a number of sections of family and criminal law do not treat men and women equally. In addition, only 22 percent of women participated in the formal labor force, compared with 82 percent of men. In addition, women earned on average one-fifth the salary of men. The government sought to overcome traditional discriminatory attitudes toward women and encouraged women's education by ensuring equal access to educational institutions, including universities; nevertheless, women made up only 41 percent of the tertiary education students. The Commission for Family Affairs, Ministry of Justice, and Ministry of Social Affairs and Labor shared responsibility for attempting to provide for equal legal rights of women.

Personal status, retirement, and social security laws discriminate against women. Under criminal law, if a man and woman separately commit the same criminal act of adultery, the woman's punishment is double that of the man's. For Muslims, personal status law treats men and women differently. Some personal status laws mirror Islamic law regardless of the religion of those involved in the case. A divorced woman is not entitled to alimony in some cases, such as if she gave up her right to alimony to persuade her husband to agree to the divorce. In addition, under the law a divorced mother loses the right to guardianship and physical custody of her sons when they reach the age of 13 and of her daughters at age 15. Guardianship goes to the paternal side of the family after the ages of 13 and 15, respectively.

Inheritance for all citizens except Christians is based on the government's interpretation of Islamic law. Accordingly, Muslim women usually were granted half of the inheritance share of male heirs. In all communities male heirs must provide financial support to female relatives who inherit less. If they do not, females have the right to sue. During the year there were reports that in some regions custom prevailed over the law, and women were denied any inheritance.

A woman's husband or any other male relative may request that his wife's travel abroad be prohibited. Although official statistics were not available, foreign embassies reported a number of such incidents during the year.

Women participated actively in public life and were represented in most professions, including the armed forces. Women were not impeded from owning or managing land or other property. Various sources observed that women constituted a minority of lawyers, university professors, and other professions. Additionally, women were represented in the judiciary, parliament, and high levels of government, including six ministerial positions.

Children.—Birth Registration.—Citizenship is derived solely from the father, living or deceased. The government did not register the births of some Kurdish residents, including stateless Kurds (see section 2.d.). Failure to register resulted in deprivation of services.

Education.—The government provided free public education to citizen children from primary school through university. Education is compulsory for all children between the ages of six and 12. Noncitizen children could also attend public schools at no cost but required prior permission from the Ministry of Education.

In general Palestinians and other noncitizens, including stateless Kurds, can send their children to school and universities; however, stateless Kurds are ineligible to receive a degree documenting their academic achievement.

Societal pressure for early marriage and childbearing interfered with girls' educational progress, particularly in rural areas, where the dropout rates for female students remained high.

Child Abuse.—The country lacked a formal law protecting children from abuse. There were reports during the year of government forces sexually assaulting, torturing, and killing children, usually associated with antigovernment protests (see sections 1.a., 1.b., and 1.c.).

Child Marriage.—The legal age for marriage is 18 for males and 17 for females. However, a male 15 years or older and a female 13 years or older may be married

if a judge deems both to be willing parties to the marriage, both are "physically mature," and the fathers or grandfathers of each consent. Although underage marriage has declined considerably in the past decades, it was common and occurred in all communities, albeit in greater numbers in rural and less developed regions. UNICEF reported in 2009 that 15 percent of urban children and 12 percent of rural children were married.

Sexual Exploitation of Children.—The penal code stipulates penalties for those found guilty of certain forms of child abuse associated with trafficking crimes—namely kidnapping and forced prostitution—both of which carry a penalty of up to three years in prison. Rape of a child under the age of 15 is punishable by up to 21 years in prison. Premarital sex is technically illegal, but observers reported that the law was not enforced. The law considers child pornography a trafficking crime, but there was no information available as to penalties provided or whether or not the law was enforced.

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

Anti-Semitism.—There were an estimated 100 to 200 Jews living in the country. Jewish leaders reported no acts of physical violence or specific instances of anti-Semitism against, or harassment of, Jewish persons. The national school curriculum did not include materials on tolerance education or on the Holocaust.

On an opposition Web site, writer Osama Al-Malouhi made an accusation of blood libel, stating that the Jewish people's tradition of using blood to make matzah bread explains their support for conflict under Syrian President Asad.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector workforce, but the government did not effectively enforce these provisions. The law protects persons with disabilities from discrimination in education, access to health, or provision of other state services, and it reserves 4 percent of government jobs and 2 percent of private jobs for persons with disabilities. Private businesses are eligible for tax exemptions after hiring persons with disabilities.

The government did not effectively implement access for persons with disabilities to buildings, communication, or information.

The Ministry of Social Affairs and Labor is responsible for assisting persons with disabilities and worked through dedicated charities and organizations to provide assistance, often to promote self-sufficiency through vocational training.

National/Racial/Ethnic Minorities.—The government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities, although the Kurdish population—citizens and noncitizens—continued to face official and societal discrimination and repression. However, the government used less violence and arrested fewer Kurds than in previous years. Many activists and opposition groups claimed that the government's marked change in attitude toward the Kurds was an effort to manipulate sectarian tensions for propaganda purposes. Unlike in previous years, there were no reports of suspicious Kurdish conscript deaths in the military, nor did government forces perpetrate violence during Kurdish festivals such as the New Year (Nowruz) celebrations.

Although the government contended there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials in Kurdish, Kurdish cultural expression, and at times the celebration of Kurdish festivals.

Authorities continued enforcement of an old ruling requiring that at least 60 percent of the words on signs in shops and restaurants be in Arabic. Officials reportedly sent patrols into commercial districts to threaten shop owners with closure if they refused to change the names of their stores into Arabic. Minority groups—especially Kurds, whom the government appeared to target specifically—regarded the step as a further attempt to undermine their cultural identity.

After the start of the March uprising, the government utilized its state-run television station to spread propaganda that the protesters were Sunni Islamists in an effort to scare minority groups into submission to the state.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizing homosexual conduct states that any sexual act "contrary to nature" is punishable by up to three years in prison. There

were no reports of prosecutions under the law during the year; however, reports indicated that the government had arrested dozens of gay men and lesbians over the past several years on vague charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting "obscene" parties.

Although there were no known domestic NGOs focused on lesbian, gay, bisexual, or transgender matters, there were several online networking communities, including Facebook pages. Human rights activists reported that there was overt societal discrimination based on sexual orientation and gender identity in all aspects of society.

Other Societal Violence or Discrimination.—There were no reports of violence or discrimination against persons with HIV/AIDS. Human rights activists believed that the extent of the problem was widely underreported.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right to freedom of association, to form and join unions, strike in all nonagricultural sectors, and to bargain collectively. However, the government placed severe restrictions on these rights, and workers could not establish unions that are independent of the government. Ba'ath Party doctrine stipulated that worker rights were protected through these quasi-official labor organizations. The labor code does not apply to workers covered under the Civil Service Law, under which employees neither have nor are deemed to need collective bargaining rights, nor does it apply to domestic servants, agricultural workers, NGO employees, or informal sector workers. All unions must belong to the General Federation of Trade Unions (GFTU), under Ba'ath Party domination. The GFTU controlled most aspects of union activity, including which sectors or industries can have unions. It also has the power to disband union governing bodies. Union elections were generally free of direct GFTU interference, but successful campaigns usually required membership in the Ba'ath Party. The GFTU president was a senior member of the Ba'ath Party, and he and his deputy could attend cabinet meetings on economic affairs.

Threats of punishment and fines severely restricted the right to strike. The law prohibited strikes involving more than 20 workers in certain sectors, including transportation and telecommunication, or strike actions resembling public demonstrations. Penalties included fines and prison sentences, and the government could also impose forced labor as punishment to individuals who caused "prejudice to the general production plan." As overt opposition to the government grew during the year, some professional organizations, including lawyers' syndicates in Damascus, Aleppo, and Daraa, conducted sit-ins protesting political and security actions. Government forces quickly disrupted these and arrested participants.

Because of the GFTU's close ties to the government, the right to bargain collectively did not exist in practice. Government representatives were part of the bargaining process in the public sector, and the Ministry of Social Affairs and Labor could object to, and refuse to register, any concluded agreements.

Public sector unions did not normally bargain collectively on wage issues, but union representatives participated with representatives of employers from the government-affiliated Chambers of Industry and Commerce and the supervising ministry in establishing minimum wages, hours, and conditions of employment in the private sector. Workers served on the boards of directors of public enterprises, and union representatives were included on the boards. There were no reports that any individual union, the GFTU, or any cooperatives exercised their right to collective bargaining during the year.

The law provides for collective bargaining in the private sector, although past government repression dissuaded most workers from exercising this right. Unrest and economic decline during the year caused many workers to lose their private sector jobs, giving employers the stronger hand in disputes.

There are no legal protections for self-employed workers, although they compose at least 55 percent of the total workforce.

Foreign workers may join the syndicate representing their profession but may not run for elected positions, with the exception of Palestinians, who may serve as elected officials in unions.

While there were no reports of antiunion discrimination, a mechanism to report this practice does not exist. Since unions and professional syndicates are part of the government's bureaucratic structure, the law protects union members from discrimination.

The free trade zones were exempt from the laws and regulations governing hiring and firing.

b. Prohibition of Forced or Compulsory Labor.—The law does not prohibit all forms of forced or compulsory labor, and such practices existed in the country. Em-

ployment agencies recruited thousands of women—primarily from Ethiopia, Indonesia, the Philippines, and Somalia—to work as domestic servants. Many employers subjected these women to excessive work hours, inadequate living quarters, restrictions on movement and communication, and emotional and physical abuse.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The labor law provides for the protection of children from exploitation in the workplace. The minimum age for most types of nonagricultural labor is 15 years or the completion of elementary schooling, whichever is older, and the minimum age for employment in industries with heavy work is 17. Children under the age of 18 may work no more than six hours a day and may not work overtime or during night shifts, weekends, or on official holidays. In all cases parental permission is required for children younger than 16 to work. Restrictions on child labor do not apply to those who work in family businesses and do not receive a salary.

The Labor Ministry reported that 500 children were involved in child labor, while UNICEF estimated the number to be 650,000. Iraqi refugee families—prohibited by law from working—relied on child labor in the service sector or on small farms as their main source of income.

In August 2010, according to local media, the ministry announced new provisions to prevent child begging and solicitation. The provisions include fines ranging from 23,000 to 46,000 SYP ($414-$828), but monitoring and enforcement measures are unclear. The unrest during the year limited official attention to child labor and other nonsecurity issues.

The Labor Ministry monitored employment conditions for persons younger than 18, but there were too few inspectors to ensure compliance with the laws. The Labor Inspection Department reportedly performed unannounced spot checks of employers daily to enforce the law, but the scope of these checks was unknown. Independent information and audits regarding government enforcement were not available.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The law divides public sector monthly minimum wage into five levels based on job type and/or level of education varying between 9,765 and 14,760 SYP ($176-$266). Benefits included compensation for meals, uniforms, and transportation. Weakening of the currency during the year reduced the purchasing power of all salaries. Most public sector employees relied on the endemic system of bribery. Private sector companies usually paid much higher wages, with the lower end semiofficially set by the government and employer organizations. Many workers in the public and private sectors took additional manual jobs or their extended families supported them. The Labor Ministry is responsible for enforcing the minimum wage.

The public sector workweek was 35 hours, and the private sector workweek was 40 hours, excluding meals and rest breaks. Hours of work could increase or decrease based on the industry and associated health hazards. The law guarantees at least one meal or rest break totaling no less than one hour per day. Employers must schedule hours of work and rest such that workers do not work more than five consecutive hours or 10 hours per day in total. Employers must provide premium pay for overtime work.

Only licensed employment agencies may recruit domestic workers from abroad, and they are responsible for providing safe working conditions for migrant domestic workers. The Labor Ministry is responsible for regulating these activities, although the scope of oversight was unknown. In large cities Asian domestic workers sometimes overstayed their visas and continued to work in the country for years. The unrest during the year stimulated a large-scale departure of foreign workers as demand for services declined.

The labor code includes provisions mandating that employers take appropriate precautions to protect workers from hazards inherent to the nature of work. The Ministries of Health and Labor designated officials to inspect work sites for compliance with health and safety standards; however, such inspections were sporadic, apart from those conducted in hotels and other facilities that catered to foreigners. The enforcement of labor laws in rural areas was more relaxed than in urban areas, where there were more inspectors. Workers may lodge complaints about health and safety conditions with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment. However, the law does not cover migrant workers, rendering them more vulnerable to abuse.

2008

TUNISIA

EXECUTIVE SUMMARY

Tunisia is a constitutional republic. After the revolution that deposed former President Zine El-Abidine Ben Ali's two-decade-long regime on January 14, interim Prime Minister Mohamed Ghannouchi first led an interim government, followed by Prime Minister Beji Caid Essebsi, who presided over the government and preparations for the country's October 23 Constituent Assembly elections. The country held free and fair elections on October 23 for the Constituent Assembly, which was mandated to draft a new constitution and appoint a new government. Civilian and military security forces reported to civilian authorities.

Ben Ali's departure created an unprecedented opening for respect for human rights in the country. Previous restrictions on freedoms of the press, expression, assembly, and association under Ben Ali's 23-year dictatorship largely ceased, and citizens enjoyed new liberties as they prepared for and participated in the country's first open, inclusive, and democratic election. Exiled political and human rights activists returned, imprisoned political prisoners were released, and civil society and human rights activists pursued their work without government disruption or intimidation.

Women vastly increased their political participation, but they continued to face significant societal barriers to their economic participation. There were reports of security officials using excessive force in arresting protesters, and poor prison conditions persisted. There were also reports of security officials not following legally established arrest procedures and continued concern about judicial independence.

At year's end the government was pursuing legal action against Ben Ali-era officials accused of committing human rights abuses, as well as those suspected of corruption, but this process had not been completed. Some individuals eluded prosecution by fleeing the country, including Ben Ali.

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

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

The National Fact-Finding Commission to Investigate the Abuses During the Recent Period, established after Ben Ali's abdication and led by Taoufik Bourderbala, estimated that 350 people were killed between December 17, 2010 and January 14, 2011 by forces operating under Ben Ali's command. The U.N. estimated at least 300 civilians were killed during the unrest.

During a July demonstration in Sidi Bouzid, 14-year-old Thabet Belkacem died when a bullet fired by security forces ricocheted and hit him in the stomach. The police had fired warning shots in response to Molotov cocktails thrown by the crowd. In early September security forces in Metlaoui intervened to break up clashes between tribal families. Police fired warning shots, one of which killed a 16-year-old girl.

b. Disappearance.—There were no reports of politically motivated disappearances. The government ratified the International Convention for the Protection of All Persons from Enforced Disappearance in June.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The government ratified the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in June.

Multiple international organizations received first-hand accounts of harsh physical treatment of individuals for participation in demonstrations. For example, Human Rights Watch (HRW) observers reported witnessing security officials using excessive force when arresting protesters at demonstrations in Tunis on multiple occasions, including during the March "Kasbah II" and the July "Kasbah III" sit-ins.

The government granted access for a visit by the U.N. Special Rapporteur on Torture Juan Mendez (see section 5). Following his week-long visit in May, during which Mendez met with the interim government, civil groups, and victims, Mendez confirmed that, while not widespread, in some instances authorities had used torture.

In a break with previous years, actions by the judiciary indicated that government officials would be held accountable for torture. On November 29, a military tribunal sentenced former minister of interior Abdallah Kallal to four years in prison for his role in directing a violent crackdown in response to a 1990 coup attempt, which resulted in the subsequent torture of military officials.

Prison and Detention Center Conditions.—Prison and detention center conditions varied. HRW observed overcrowding at two prisons in February but predicted condi-

tions would improve after an amnesty freed thousands of political prisoners detained during the Ben Ali era.

Prisoner rebellions seriously damaged 14 prisons, leading to overcrowding in detention facilities that remained functional. In some cases prisoners died after setting fires in their cells. In one case in January, 42 prisoners in Monastir died in a prison, and in July two prisoners in Kasserine died of smoke inhalation. According to the Ministry of Justice, between January 15 and May 1, the total number of prisoners in the country dropped from an estimated 31,000 to 21,000.

There was no information available on whether prisoners had access to potable water, whether there are prison ombudsmen, whether steps had been taken to improve recordkeeping or to use alternatives to incarceration for nonviolent offenders, whether the conditions for women prisoners were worse than those for men, whether prisoners were permitted religious observance, whether prisoners could submit complaints to judicial authorities without censorship, or whether authorities investigated credible allegations of inhumane conditions. There were reportedly 28 prisons for men and one prison for women, and approximately 21,000 prisoners, including 400 women, were incarcerated. According to officials, prisoners' personal space was inadequate at just three to four square meters of space per prisoner. After a February visit, HRW reported severe overcrowding and inadequate opportunities for physical activity in Mornaguia prison. Prisoners are allowed one family visit per week, three meals per day, one shower per week, the receipt of food and property from family three times per week, unlimited receipt of parcels and letters, and unlimited legal visits. Adult prisoners were reported to have access to educational and vocational training programs, although in practice only 10 percent had access.

Following the January revolution, the government permitted access to prisons by independent, nongovernmental observers for the first time. Officials' February 2 decision to allow HRW to visit two prisons effectively ended a 20-year ban on human rights organizations' access to prisons. On May 14, HRW reported that the government was also allowing human rights organizations' representatives to visit death row inmates.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, although security forces did not always observe these provisions in practice. There were several instances of demonstrators and bystanders arbitrarily arrested and at times arbitrarily detained in March, April, and May.

Role of the Police and Security Apparatus.—The Ministry of Interior has legal authority and responsibility over law enforcement, but the Ministry of Defense assumed an increased role in the country's internal security during the year at the request of the Executive Branch. The Interior Ministry controls the police, who have primary responsibility for law enforcement in the major cities; the National Guard (gendarmerie), which is responsible for border security and policing smaller cities and the countryside; the Directorate General for National Security; and firefighters.

Arrest Procedures and Treatment While in Detention.—The law provides that police must have a warrant to arrest a suspect, unless the crime committed is a felony or is in progress. The penal code permits detention for as long as six days before arraignment, during which time the government may hold suspects incommunicado. Arresting officers must inform detainees of their rights, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications. There were several reports that police sometimes ignored those rules.

Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination. Detainees do not have a right to legal representation during prearraignment detention. The law permits the release of accused persons on bail, and detainees have the right to representation by counsel during arraignment. By law the government provides legal representation for indigents, although it is unclear whether this was done in practice. At arraignment the examining magistrate may decide to release the accused or remand the prisoner to pretrial detention.

The law requires that pretrial detainees be held separately from convicted prisoners, but the Justice Ministry reported that due to overcrowding, pretrial prisoners were held with convicted prisoners.

In cases involving crimes for which the sentence may exceed five years or that involve national security, pretrial detention may last an initial period of six months and may be extended by court order for two additional four-month periods. For crimes in which the sentence may not exceed five years, the court may extend the initial six-month pretrial detention only by an additional three months. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties. Reports of mistreatment during pretrial de-

tention continued during the year, with multiple activists reporting harsh physical treatment of individuals for participation in demonstrations.

The Emergency Law enacted during the revolution remained in effect throughout the year and police applied it when arresting demonstrators who were deemed to be organizing without a permit. U.N. Special Rapporteur on Torture Juan Mendez reported that an estimated 66 people, including 22 minors, were detained for 12 hours after protests in May without access to their lawyers or families and that they were forced to kneel and remain in uncomfortable positions for extended periods. Mendez also stated that he had seen evidence of people being kicked, beaten, and burned with cigarettes.

Arbitrary Arrest.—There were several instances of demonstrators and bystanders arbitrarily arrested. While there were no statistics available on how many persons were arrested arbitrarily, there was anecdotal evidence that arbitrary arrests occurred in Tunis in March, April, and May.

Pretrial Detention.—There were no updated statistics on the proportion of the prisoner population that remained in pretrial detention. According to 2010 estimates, approximately 50 percent of the prisoner and detainee population was in pretrial detention.

Amnesty.—On January 20, then prime minister Mohamed Ghannouchi issued an amnesty for political prisoners. The amnesty applied to all those who were imprisoned or prosecuted for crimes as a result of their political or trade union activities, and approximately 800 political prisoners were released after the amnesty went into effect on February 19. The International Association for the Support of Political Prisoners reported that the last of the political prisoners, including people charged and convicted under the previous regime's terrorism laws, were freed in early March. There were differing numbers on how many prisoners were granted amnesty during the year.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, historically the executive branch and the president strongly influenced judicial procedures, particularly in cases involving political dissidents and oppositionists. Many of the judges who had been appointed by Ben Ali retained their positions after his overthrow.

Trial Procedures.—In civilian courts defendants have the right to a presumption of innocence, public trial, and a trial by jury, as well as the right to consult with an attorney or to have one provided at public expense, the right to confront witnesses against them and present witnesses and evidence, the ability to access government-held evidence, and the right to appeal.

Military courts fall under the Ministry of Defense. Military tribunals have the authority to try cases involving military personnel and civilians accused of national security crimes. A defendant may appeal a military tribunal's verdict to the civilian Supreme Court. In prior years civilians accused of national security crimes have been sentenced in military tribunals. The government ratified the Rome Statute of the International Criminal Court in June.

Political Prisoners and Detainees.—There were no reports of new political prisoners or detainees during the year. Following the promulgation of the General Amnesty Act for citizens involved in political cases, in February the government granted amnesty to approximately 500 political prisoners.

Civil Judicial Procedures and Remedies.—Citizens are permitted to seek civil remedies for human rights violations. The military courts handled redress of alleged abuses by security forces during civil disturbances during the revolution. Cases brought before civilian courts did not move forward because officials, and sometimes civilian judges, refused to cooperate in the investigations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and in a departure from prior years, the government generally respected these prohibitions in practice.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Killings.—Police were deployed to disperse the protests during demonstrations that began in mid-December 2010 and continued into early 2011. According to the U.N., at least 300 civilians were killed and approximately 700 injured during the unrest, which included individuals who died during prison riots. According to HRW, the majority of the 78 demonstrators reported dead in January were killed by police fire. Investigations by the Fact Finding Commission on Abuses during the Recent Period revealed that approximately 350 people were killed between December 17, 2010, and January 14, 2011, by forces operating under Ben Ali's command.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—After the constitution was suspended following the protests that overthrew Ben Ali, the government removed many of the speech and press restrictions that previously existed and abolished the powerful Ministry of Information, which had served as the former regime's main organ of censorship. Unlike in previous years, criticism of the government was frequently published in online and print media. Despite these changes, there were some reported incidents of authorities suppressing speech and press critical of the government or failing to protect the freedom of speech and press.

Freedom of Speech.—While the legal restrictions on free speech were lifted, there were instances of government authorities failing to protect citizens' right to free speech. In June activists complained that authorities failed to respond expeditiously when protesters disrupted the screening of the secular-themed film, Ni Allah, Ni Maitre (Neither Allah, Nor Master), and harassed viewers.

Freedom of Press.—In May authorities arrested Samir Feriani, who worked as a police officer in the Interior Ministry for 20 years, after he published two letters in the newspaper L'Expert accusing an unnamed ministry official of taking part in a crackdown on popular uprisings in Sidi Bouzid and Kasserine. Feriani also claimed that the records of the Palestine Liberation Organization, which was based in Tunis from 1982 to 1994, were destroyed following Ben Ali's departure. A military tribunal acquitted Feriani on September 29 and released him conditionally, but at year's end he faced charges in civil court of defamation and causing public disorder in connection with his report.

The government issued more than 30 licenses for new television channels. After years of requesting a license and having its Web site hacked and archives destroyed in 2008, independent radio station Radio Kalima received a license in June.

Violence and Harassment.—There were several reports of security officials harassing or threatening journalists during street demonstrations or protests. On May 5, police assaulted at least 15 journalists and chased them into the offices of the daily newspaper La Presse.

Actions to Expand Press Freedom.—The government created two high commissions to review Ben Ali-era press codes that stipulated which topics press sources could cover and determined penalties for violators. In February the interim government established the Commission for Reform of the Media and Information, an independent commission for media reform. The commission consulted with the government and presented recommendations for a legal framework for radio and television licensing. It also proposed establishing a new public service broadcaster to disseminate information to the public and allow for informed public opinion.

The new press code adopted in August abolished the criminalization of both the defamation of state institutions and of publishing offensive content about the president. The new law, however, criminalizes "defaming recognized religions" and "distributing false information." The latter offense was invoked in May when police officer Samir Feriani was arrested and charged with distributing information "likely to harm public order" (see above).

Internet Freedom.—Widespread use of and access to the Internet and social media sites was a major facilitating factor in sparking the December 2010-January 2011 protests. An estimated 18 percent of youth had a Facebook account, and since the fall of the former government, Internet sites were no longer blocked. The government took several steps during the year to end official Internet censorship. In May a case was brought to court requesting the Tunisian Internet Agency (ATI) to filter pornography. A high court overturned the lower court ruling requiring the ATI to filter pornography, ruling that there could be no censorship of Web sites, including those with pornographic content. At year's end the case was being appealed.

Web sites that were previously blocked, such as Reporters without Borders and YouTube, were no longer censored. There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the free expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—The new opening for freedom of speech also allowed for frequent demonstrations, and the government intervened in some demonstrations after they turned violent. In some of these cases authorities either did not respond or were slow to respond. Several demonstrations that turned violent or damaged personal property involved Salafist extremists. One example was the heated accusations against professors and students related to wearing short skirts and whether or not the government should allow students to wear the full-face cov-

ering, niqab (veil), at academic institutions. At Manouba University in Tunis, for example, fundamentalists opposing the ban on the use of the niqab interrupted classes and intimidated teachers. Authorities initially did not intervene in an antiniqab ban sit-in but then forcibly removed the demonstrators after Manouba's dean requested protection for faculty and students. Cultural events deemed offensive by religious fundamentalists were attacked on several occasions.

In June fundamentalists attacked a movie theater that was hosting the opening screening in the country of the independent secular-themed film Ni Allah, Ni Maitre. The fundamentalists broke the theater's windows and the film screening was canceled. Despite the theater's location two blocks from the Ministry of Interior, police were reportedly slow to respond to the attack, and organizers complained that police did not provide adequate protection despite their prior acknowledgement of the potential for protests of the film to become violent.

On October 9, violent extremists (allegedly Salafists) attacked the offices of the private television station Nessma and the University of Sousse in protest of the October 7 broadcast of the French-Iranian animated film Persepolis that was followed by a debate on religious fundamentalism. Nessma TV co-owner Nebil Karaoui subsequently issued a public apology for airing the film. On October 14, unknown individuals attacked Karaoui's home and on October 16, authorities arrested five people in connection with the vandalism and attempted arson of his house, although they were detained only briefly and not charged. Karaoui and two employees were charged with "undermining sacred values." The trial was postponed, and Karaoui faced criminal charges at year's end.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution, although technically suspended after Ben Ali's departure in January, allowed for the freedom of assembly. Since the revolution, there have been spontaneous demonstrations, protests, and strikes across the country. On January 14, the government enacted an Emergency Law requiring all gatherings of more than three people including rallies, demonstrations, and marches to apply for a permit at least three days in advance. At year's end there were no accounts of the government refusing permits. During the year there were several instances of security personnel having violent confrontations with protesters in which both civilians and police were injured or killed. In July police harassed and chased demonstrators in Tunis who were holding a sit-in calling for judicial reform because the event's organizers had not applied for the required permit.

Freedom of Association.—Under Ben Ali, the law provided for freedom of assembly and association, but the former government severely restricted this right in practice. After Ben Ali's departure, the government did not restrict the registration or work of private organizations, political parties, or organizations of women, minorities, or professionals. In the lead-up to the October Constituent Assembly elections, 111 political parties were registered. The Independent Elections Committee refused to register some parties because they did not qualify for political party status under the 2011 Electoral Law.

A new draft law on associations was presented in August and promulgated on September 24. It eliminates the penal dispositions in the previous law as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The registration procedure has been eased, and it is more difficult for government entities to hinder or delay the registration process. Most importantly, the Interior Ministry can no longer abolish an association without passing the case through the courts.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/rls/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated closely with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, displaced migrants, and other persons of concern. International relief organizations praised the government's humanitarian response to the influx of refugees, migrants, and displaced persons from Libya.

Protection of Refugees.—Access to Asylum.—The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. During the year the government kept borders open during civil unrest in Libya, allowing more than a million Libyans and third-country nationals to seek temporary safe haven and access to basic services.

Refugee Abuse.—There were two incidents in Camp Shousha, a refugee camp for third-country nationals approximately eight kilometers from the Tunisian-Libyan border, in which refugees and displaced migrants were killed. On May 22, camp residents set fire to part of the camp, killing four. On May 24, residents demonstrated against poor conditions in the camp. Later that day, residents from the nearby town of Ben Guerdane looted and set fire to the camp, resulting in three confirmed deaths. Authorities were reportedly slow to step in and restore order and security in the camps, and they continued to investigate the incidents at year's end. Some testimonials from camp residents and witnesses gathered by HRW in June state that the Tunisian military was complicit in the May attacks on the camp, but there was no additional information to corroborate this claim.

Durable Solutions.—The government cooperated with the UNHRC in its efforts to identify durable solutions for third-country nationals who fled Libya and could not be repatriated to their countries of origin. These primarily included persons from Somalia, Eritrea, Sudan, and Iraq. The UNHRC has referred some of these persons for resettlement in other countries.

Temporary Protection.—During the year the government also provided temporary protection to thousands of individuals who may not qualify as refugees, although they were fleeing the conflict in Libya. In addition to an estimated 100,000 Libyan refugees who registered with the UNHRC in Tunisia, the government allowed more than 660,000 Libyans to enter the country to seek short-term medical care and commercial opportunities. It also provided temporary protection to more than 200,000 third-country nationals who had been working in Libya.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised their right to do so in the country's first ever free and fair election. The interim government established an Independent Elections Commission as well as a new electoral code to elect the Constituent Assembly on October 23. The government ratified the Optional Protocol to the International Covenant on Civil and Political Rights in June.

Elections and Political Participation.—Recent Elections.—Elections for the newly established Constituent Assembly took place on October 23 and were judged by both international observer missions and the Tunisian League for Human Rights (LTDH) as free, fair, and transparent.

Political Parties.—After the revolution, the historically dominant Constitutional Democratic Rally (RCD) party was dissolved and outlawed. More than 100 political parties registered to run in the Constituent Assembly elections. Those parties that did not receive accreditation were rejected due to incomplete applications or because their programs were found to be inconsistent with laws prohibiting discrimination and parties based on religion. There were no reports of government interference with the right to organize, stand for election, publicizing views, or campaigning. Political party youth wings were not restricted.

Participation of Women and Minorities.—There are no laws that prevent women or minorities from voting or participating in political life on the same basis as men or nonminority citizens. In an effort to include more women in the electoral process, the government adopted a candidate gender parity law in April, requiring political parties to list an equal number of male and female candidates on electoral lists. The law also stipulates that male and female candidate names had to alternate in order to increase the opportunities for female candidates to be selected. Women constituted 26 percent of the elected 217-member Constituent Assembly. Three of 41 members of the new cabinet were women.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government made some effort to implement these laws effectively.

During the year the investigation and prosecution of high-level and wide-scale corruption that occurred during the Ben-Ali regime emerged as the key legal issue facing the criminal justice system. A Fact-Finding Commission on Cases of Embezzlement and Corruption, established in late January, led efforts to identify corrupt practices and conduct related investigations. The commission received an estimated 9,000 complaints, investigated allegations of corruption, and referred credible cases the Ministry of Justice for prosecution. At year's end 105 cases had been transferred for prosecution, including alleged financial, taxation, customs, land, and administrative crimes.

During the year there was no applicable law providing for public access to government information. In December several Constituent Assembly members presented a letter calling for "open governance" legislation, which would allow public access to government documents and proceedings. At year's end the initiative was under review.

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

Operating space for domestic and international human rights groups improved dramatically during the year. After the revolution, a variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Acting government officials were increasingly cooperative and responsive to their views.

On September 9, the LTDH held its first national congress in 11 years after having been banned and repressed under the Ben Ali regime. Prime Minister Beji Caid Essebsi attended the conference, the first time a head of government attended an LTDH congress. During the year the government granted international NGOs HRW and Reporters without Borders permission to open offices in Tunis. These organizations were permitted to freely conduct in-country research and investigations into human rights issues, including prison visits.

U.N. and Other International Bodies.—On July 13, then minister of foreign affairs Mouldi Kefi signed a host country agreement with the U.N. High Commissioner for Human Rights (UNHCHR), marking the opening in Tunis of the first UNHCHR field office in the Middle East and North Africa region. From May 22 to 26, U.N. Special Rapporteur on Human Rights and Counter-Terrorism Martin Scheinin visited the country to assess human rights improvements since the transition. In his report Scheinin applauded the dismantlement of the Directorate for State Security and commended the government's decision to ratify the International Convention on Disappearances, the Optional Protocols to the Convention against Torture, and the Covenant on Civil and Political Rights. From May 15 to 22, U.N. Special Rapporteur on Torture Juan Mendez conducted an assessment and reported that the government gave him broad access to interview former government officials and victims of alleged human rights abuses under the former regime.

Government Human Rights Bodies.—Shortly after Ben Ali's abdication, then interim president Mbazza established the National Fact-Finding Commission to Investigate the Abuses During the Recent Period to investigate alleged cases of police abuse during protests before and after Ben Ali's departure. The government-run commission was supported by the Office of the Prime Minister, although a lack of human resources reportedly constrained its work. The commission made 56 visits around the country to collect testimony from victims and witnesses and catalogued 2,054 violations during the year. The commission does not have prosecutorial power but gathers information for historical recordkeeping. Taoufik Bouderbala, a lawyer and a former president of the LTDH, is president of the commission, which is composed of 17 people, including nine women.

According to Bouderbala's public statement on August 26 that, despite former security chiefs' denials of the existence of snipers, the commission's investigations corroborated allegations that some shots fired at demonstrators during the revolution came from snipers. He said that the commission had tried to summon (by correspondence) security officials to testify, but that the requests remained unanswered. Commission member Slaheddine Jourchi also said publicly on August 26 that strong solidarity between security officers had been the main obstacle in the commission's relationship with the Interior Ministry.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected this provision in practice; however, women face significant barriers to their economic participation, and certain laws adversely affected women.

Women.—Rape and Domestic Violence.—The penal code specifically prohibits rape, including spousal rape, and the government occasionally enforced this law. There were no reports of prosecution for spousal rape. Sexual assaults accompanied by acts of violence or threats with a weapon are punishable by death; for other cases of rape, the prescribed punishment is life imprisonment. Penalties were more severe when the victim was under age 20 (see Children). Social and cultural pressures often dissuaded sexual assaults from being reported.

Laws against domestic violence provide penalties for assault committed by a spouse or family member that are double those for the same crimes committed by

an unrelated individual, but enforcement was rare, and domestic violence remained a serious problem.

Sexual Harassment.—Sexual harassment was a problem, although there were no data to measure its extent. Victims of sexual harassment are required to file a complaint in criminal court where the allegations are then investigated, though bureaucratic problems in securing convictions occurred. According to the criminal code, the penalty for sexual harassment is one year in prison and a 3,000 dinar ($2,000) fine. Civil society groups criticized the law on harassment as too vague and susceptible to abuse.

Reproductive Rights.—There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Women had free access to contraception. In collaboration with NGOs, the government maintained its policy of keeping the national birthrate low through public awareness campaigns. The government provided essential health care for women, including skilled attendance during childbirth and treatment for sexually transmitted infections, although some rural women did not have access to these services. Several registered domestic NGOs also care for HIV-infected individuals.

Discrimination.—Women faced discrimination under the law. Codified civil law is based on the Napoleonic code, although judges often used Sharia (Islamic law) as a basis for customary law in family and inheritance disputes. Most property acquired during marriage, including property acquired solely by the wife, was held in the name of the husband. Customary law based on Sharia prohibited women from marrying outside their religion. Application of Sharia inheritance law resulted in discrimination against women, although some families avoided the application of Sharia by executing sales contracts between parents and children to ensure that daughters received shares of property equal to those of sons. There was a double standard in Sharia inheritance law based on gender and religion: non-Muslim women and their Muslim husbands may not inherit from each other. The government considers all children from those marriages to be Muslim and forbids those children from inheriting from their mothers.

Female citizens can transmit citizenship to their children regardless of the father's citizenship. On November 23, the government amended the national citizenship code granting women married to noncitizens the right to transmit their citizenship to their children without official consent from noncitizen fathers.

The law explicitly requires equal pay for equal work and the government generally enforced it in practice, but the law also allows some female employees in the public sector to engage in part-time work and receive two-thirds of their original full-time salary. The government defended the law as allowing women to balance family and professional life, but some women's rights advocates believed treating women and men differently under the law was an infringement of women's rights. Societal and cultural barriers significantly reduced women's participation in the formal labor force, in particular in managerial positions. Women in the private sector earned on average two-thirds less than men.

On August 16, the government adopted a draft decree to lift previous reservations to the Convention on the Elimination of All Forms of Discrimination against Women. A "general declaration" was maintained, although it was not certain that all aspects of the convention would be implemented if they were deemed to be in conflict with Islam.

Children.—Birth registration.—Citizenship is derived by birth from one's parents, and births are registered immediately.

Child Abuse.—No statistical information on child abuse was published during the year, and no other statistical information on child abuse was available.

Child Marriage.—The minimum age for marriage for both sexes is 18.

Sexual Exploitation of Children.—Anyone who has sexual relations with a girl under the age of 10 is subject to the death penalty. Anyone who has sexual intercourse with a girl under 15 years old is liable to six years' imprisonment. If the victim is over 15 years of age and under 20 years, the penalty is five years' imprisonment.

International Child Abductions.—Tunisia is not party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—An estimated 1,500 to 2,000 Jews live in Tunisia. A few anti-Semitic acts were reported throughout the year, to which authorities were generally responsive. In February a small crowd of about a dozen people gathered in front of Tunis's synagogue and chanted anti-Semitic slogans. A larger counterdemonstration

promoting religious tolerance was held several days later. The leader of the Jewish community, Roger Bismuth, met with then prime minister Mohamed Ghannouchi to discuss the incident and anti-Semitism in the country. The Interior Ministry responded by condemning incitements to violence and explicitly referenced the synagogue protests. In December the government affirmed its policy that Jews were full citizens with equal rights.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities and mandates that at least 1 percent of public and private sector jobs be reserved for persons who have disabilities; however, NGOs reported that this law was not widely enforced, and many employers were apparently unaware of its existence.

There was some discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services.

A 1991 law, which remained in effect after the revolution, requires all new public buildings to be accessible to persons with physical disabilities, and the government enforced the law. Persons with disabilities did not have access to most buildings built before 1991. The government issues cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The government provides tax incentives to companies to encourage the hiring of persons with physical disabilities. The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities.

The Independent Elections Commission (IEC) took steps to accommodate voters with disabilities. The IEC's publicity campaign for voter registration, which ran from July 11 to August 14, targeted such voters; for example, television advertisements showed a woman using sign language to encourage deaf voters to register. Another advertisement featured a presentation in sign language by a young man discussing why voting is important for the country's future. Billboards promoting voter registration displayed a young man in a wheelchair extolling citizens to vote. During the October 23 Constituent Assembly elections, election observers noted infrastructure such as ramps at polling stations and polling staff accommodating disabled voters in accordance with electoral procedures.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Consensual same-sex sexual activity remained illegal under the penal code, which criminalizes it with sentences of up to three years in prison. There was anecdotal evidence that lesbian, gay, bisexual, and transgender (LGBT) individuals faced discrimination, including allegations that police officers sometimes harassed openly gay persons and accused them of being the source of HIV/AIDS. There were no known reports of persons arrested for consensual same-sex sexual activity; however, a local LGBT activist reported an uptick during the year in harassment of and assaults by unknown individuals on persons perceived to be LGBT, including multiple incidents in which individuals were followed to their homes and assaulted by people the victims described as Salafists. Human rights activists also alleged that government forces continued to assault individuals perceived as LGBT.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers with the right to organize, form and join unions, and strike, provided workers give 10 days' advance notice to their federations and receive approval. The Ministry of Interior issues unions permits to strike and hold demonstrations. The International Trade Union Confederation and the International Labor Organization characterized the requirement for strike notification as an impediment to freedom of association. The right to strike extended to civil servants, with the exception of workers in "essential" services, that is, those jobs "whose interruption would endanger the lives, safety, or health of all or a section of the population." However, the government had not issued a decree stipulating which services were "essential." While the provision could potentially be misused, the Tunisian General Labor Union (UGTT) reported that during the year the right to strike was largely respected in public enterprises and services and that the provision of "minimum service" during strikes is subject to negotiations between unions and employers. The law prohibits antiunion discrimination by employers and retribution against strikers, and it protects the right to bargain collectively.

The government generally respected and enforced the laws prohibiting retribution against strikers. Conciliation panels, in which labor and management were represented equally, settled labor disputes. Tripartite regional arbitration commissions

settled industrial disputes when conciliation failed. Representatives of the Ministry of Social Affairs, the UGTT, and the Tunisian Association for Industry, Commerce, and Handicrafts (UTICA) constituted the commissions' membership.

A committee chaired by an officer from the Labor Division of the Office of the Inspector General approved all worker dismissals. The committee was composed of representatives from the Ministry of Social Affairs, UGTT, and the company dismissing the worker. Workers have the right to reinstatement after dismissal for union activities. Following the ouster of Ben Ali, the UGTT and UTICA reached an agreement about the right to join a union and engage in union activities. The agreement provides that employers may not harass or arbitrarily dismiss any worker for joining a union and engaging in union activities.

Two labor federations emerged during the year in addition to the UGTT, which had been the country's only recognized labor federation: the General Confederation of Tunisian Labor (CGTT) and the Union of Tunisian Labor (UTT). On February 1 and on May 1, the government recognized the CGTT and the UTT, respectively.

Unions rarely sought advance approval in practice to conduct strikes. Wildcat strikes (those not authorized by union management) were commonplace throughout the year. The state of emergency did not inhibit or prevent labor unions in the public and private sectors from conducting strikes.

On September 6, the prime minister ordered the dissolution of the Union of Internal Security Forces after its membership allegedly conspired to oust the commander of the National Guard, Army General Moncef Helali.

After Ben Ali's departure, the UGTT, CGTT, and UTT were independent of the government and had the right to decide union leadership. They were not explicitly aligned with political parties, but prominent UGTT members played a role in the formation of the Tunisia Labor Party (PTT).

The UGTT alleged antiunion practices among private sector employers, including firing union activists and using temporary workers to deter unionization. In certain industries, such as textiles, hotels, and construction, temporary workers accounted for a significant majority of the workforce. With the emergence of "labor pluralism" during the year, employers complained that negotiating bargaining agreements had become more complicated. UTICA, along with the government, continued to maintain an exclusive relationship with the UGTT in reaching collective bargaining agreements. Collective social negotiations were held only with the UGTT. The government tended to ignore CGTT and UTT demands that their representatives be included in tripartite negotiations. However, in the face of sporadic strikes, walkouts, and sit-ins staged by the CGTT and UTT, individual companies were compelled to reach settlements with these labor confederations. Although the labor code covers temporary workers, enforcement efforts were weaker than for permanent workers. Toward the end of the year there was an upsurge in strike activity on behalf of temporary workers.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, and provides for penalties of up to 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor. Some girls were subjected to domestic servitude within the country, although the government did not report that such practices occurred.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children younger than 16. Persons under 18 are prohibited from working in jobs that present serious threats to their health, security, and morality. The minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours was 13. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. In nonagricultural sectors children between the ages of 14 and 16 may work no more than two hours per day. The total time that children spend at school and work may not exceed seven hours per day. The penal code prescribes 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor and up to two years' imprisonment for forced child begging.

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining the records of employees. On occasion labor inspectors coordinated their spot checks with UGTT and Ministry of Education officials. Officials from the National Social Security Fund also conducted inspections of factories and industrial sites to ensure compliance. According to representatives of the National Committee on Child Labor, the Ministry of Social Affairs investigated 485 complaints of suspected child labor abuses during the year. Most pertained to young apprentices, age 15 and younger, who were supposed to receive vocational

training but instead were doing manual labor. Authorities levied fines against 24 employers for violating the law.

Young children sometimes performed agricultural work in rural areas and worked as vendors in towns, primarily during the summer school vacation. Child labor existed elsewhere in the informal sector, particularly in the handicraft industry, and children reportedly worked as mechanics in small shops or as street vendors of flowers, cigarettes, and other small items. Adolescent girls worked as domestic servants. A 2008 survey of 130 Tunis area domestic workers found that 52 percent were younger than 16, which violates the law.

Also see the Department of Labor's Findings of the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work.—The labor code provides for a range of administratively determined minimum wages. Effective June 17, the government raised the industrial minimum wage to 286 dinars (approximately $190) per month for a 48-hour workweek and to 246 dinars ($164) per month for a 40-hour workweek. On June 9, the government increased the agricultural daily minimum wage from approximately eight dinars ($5.50) to nine dinars ($6). On May 28, former minister of social affairs Mohamed Ennaceur reported that 24.7 percent of the population lived on less than $2 per day. Under former president Ben Ali's regime, the poverty rate was calculated at $1 per day.

The law sets a maximum standard 48-hour workweek for most sectors and requires one 24-hour rest period per week. For other sectors the workweek is 40 hours with 125 percent premium pay for overtime. The law prohibits excessive compulsory overtime. Depending on years of service, employees are statutorily awarded 18 to 23 days of paid vacation. Although there is no standard practice for reporting labor code violations, workers have the right to report violations to regional labor inspectors.

Special government regulations control employment in hazardous occupations such as mining, petroleum engineering, and construction. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right. The Ministry of Social Affairs has responsibility for enforcing health and safety standards in the workplace. Under the law, all workers—including those in the informal sector—are afforded the same occupational safety and health protections. However, enforcement of these measures was inadequate. In addition to enforcing occupational safety and health regulations, regional labor inspectors enforced standards related to hourly wage regulations. The country's cadre of 380 inspectors inspected most firms approximately once every two years. The government did not adequately enforce the minimum wage law, particularly in non-unionized sectors of the economy. The prohibition against excessive compulsory overtime was not always enforced.

Working conditions and standards generally were better in export-oriented firms, which were mostly foreign-owned, than in those firms producing exclusively for the domestic market. More than 500,000 people, the vast majority of whom were women, worked in the informal sector, which labor laws did not cover and in which labor violations were more prevalent. A 2008 survey of 130 domestic workers in the greater Tunis region conducted by the University of Tunis, for example, found that the majority received salaries below the minimum wage, 99 percent indicated that they lacked work contracts, 23 percent said they were victims of physical violence, and 11 percent claimed to be victims of sexual abuse. Temporary contract laborers complained throughout the year that they were not accorded the same protections as permanent employees. Among their complaints was abusive dismissal without cause.

There were no major industrial accidents during the year. Credible data on workplace accidents, injuries, and fatalities were not available.

UNITED ARAB EMIRATES

EXECUTIVE SUMMARY

The United Arab Emirates (UAE) is a federation of seven semi-autonomous emirates with a resident population of approximately 8.5 million of whom an estimated 11.5 percent are citizens. The rulers of the seven emirates constitute the Federal Supreme Council, the country's highest legislative and executive body. The council selects a president and a vice president from its membership, and the president appoints the prime minister and cabinet. In 2009 the council selected Sheikh Khalifa

bin Zayed Al-Nahyan, ruler of Abu Dhabi Emirate, to a second five-year term as president. The emirates are under patriarchal rule with political allegiance defined by loyalty to tribal leaders, to leaders of the individual emirates, and to leaders of the federation. There are limited democratically elected institutions and no political parties. A limited, appointed electorate participates in periodic elections for the Federal National Council (FNC). Citizens can express their concerns directly to their leaders through traditional, consultative mechanisms such as the open "majlis" (forum). The FNC, a nonlegislative, consultative body, consists of 40 representatives allocated proportionally to each emirate based on population. The appointed electorate elected 20 on September 24, 2011 and the rulers of the individual emirates appointed another 20 in mid-November. Security forces reported to civilian authorities.

Three core human rights issues continue to be of concern: citizens' inability to change their government; limitations on citizens' civil liberties (including the freedoms of speech, press, assembly, and association); and lack of judicial independence. Although the government took steps to expand political participation, political parties are not permitted. The government continued to interfere with privacy and to restrict civil liberties, including usage of the Internet. Capacity and structural issues leave the judiciary susceptible to political influence.

In contrast with 2010, there were no reports of torture during the year, and there were no reports that flogging was employed as judicially sanctioned punishment. There were, however, reports of police and prison guard brutality during the year. Arbitrary and incommunicado detention remained a problem. Although there were limited reports of corruption, the government lacked transparency. Domestic abuse of women remained a problem; however, police and social workers addressed the issue in close coordination, with the presence of social workers at police stations to communicate in private with victims of violence. Women and noncitizens faced legal and societal discrimination. Trafficking in persons continued, the government restricted the rights of foreign workers, and abuse of foreign domestic servants and other migrant workers remained a problem.

The government took steps to prosecute and punish officials who committed abuses. Police who committed wrongdoing were held accountable.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no known reports that government officials employed torture; however, there were reports of police and prison guard brutality during the year.

In March Ajman police arrested a 14-year-old Arab girl on charges of adultery, subjected her to a virginity test, held her in solitary confinement, and later jailed her with adult women after receiving reports that she had met a 25-year-old man on her building's rooftop. No further information was available at year's end.

In May domestic media reported that 13 police officers allegedly beat and tortured three Pakistani prisoners, killing one and severely injuring the others.

Sharia (Islamic law) courts had the option of imposing flogging as punishment for adultery, prostitution, consensual premarital sex, pregnancy outside marriage, defamation of character, and drug or alcohol abuse. Caning in past years resulted in substantial bruising, welts, and open wounds on those flogged. There were no reports that punishments of this type were administered during the year.

On September 12, upon payment of 3.4 million dirhams (approximately $925,000) in diya (blood money), the Sharjah Court of Appeal revoked the death sentences of 17 Indian nationals convicted of murder in March 2010. In September 2010 local media reported the convicts claimed their confessions were obtained after a severe beating by police in Dubai. The government deported four of the former prisoners in November, but 13 others remain in the Sharjah Central Jail due to a travel ban imposed because of other pending litigation against them.

Prison and Detention Center Conditions.—Prison conditions varied widely among the emirates. There were reports of police and prison guards mistreating individuals, particularly at the Bur Dubai police precinct. On April 14, British and international media reported that a British tourist died in police custody after Dubai police severely beat him. A government investigation determined that he died of natural causes. There were reports that prisoners with HIV did not receive appropriate health care.

The government has not released statistics on prison demographics and capacity since 2006. There was at least one report of a girl held with female adults during the year. Some prisons were overcrowded, particularly in Abu Dhabi and Dubai. Prisoners had access to visitors, but it was unclear if they were permitted religious observance. Prisoners had access to potable water. Prisoners have a right to submit complaints to judicial authorities; however, details about investigations into complaints were not publicly available. Ombudsmen cannot serve on behalf of prisoners and detainees. The government stated that it inspected and monitored prison and detention center conditions.

Police in Dubai and Abu Dhabi stated that nongovernmental organizations (NGOs) and the International Committee of the Red Cross had access to observe prison conditions if requested. Charitable NGOs visited prisons during the year and were permitted to provide material support but were unable to determine the welfare of the prisoners. Members of the Emirates Human Rights Association (EHRA) met with federal Ministry of Interior officials and prisoners during visits to several detention facilities during the year.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, there were reports that the government held persons in official custody without charge or a preliminary judicial hearing. The Ministry of Interior detained foreign residents arbitrarily at times. The law permits indefinite, routine, and incommunicado detention without appeal. Under this procedure, the detainee may contact an attorney but is not permitted to see friends and family.

In June local authorities refused for more than a month to confirm the detention of an American citizen being held by the State Security Department. From June 1, until his deportation on September 14, he was detained without charge and held incommunicado except for one consular visit.

Role of the Police and Security Apparatus.—The Ministry of Interior oversees police general directorates in all of the seven emirates; each emirate, under its corresponding police general directorate, maintains its own police force and supervises police stations. All emirate police forces are officially branches of the ministry; in practice they operated with considerable autonomy. The police forces are responsible for internal security and the federal armed forces are responsible for external security. Local police are semiautonomous.

The Ministry of Interior has broad authority to investigate abuses. Civilian authorities maintained effective control over the local police forces, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

On October 17, local press reported the prosecution of a 26-year-old Dubai police officer charged with kidnapping and raping a Moroccan woman in the Dubai Criminal Court of First Instance. The trial continued at year's end.

No information was available on the outcome of a August 2010 Dubai court case involving a British woman allegedly raped and beaten by an Emirati soldier.

Arrest Procedures and Treatment While in Detention.—Police stations received complaints from the public, made arrests, and forwarded cases to the public prosecutor. The public prosecutor then transferred cases to the courts. The law prohibits arrest or search of citizens without probable cause; however, incidents occurred in practice. There were reports that security forces failed to obtain warrants in some cases. Police must report an arrest within 48 hours to the public prosecutor, who then must determine within 24 hours whether to charge, release, or further detain the suspect. In practice, the public prosecutor did not always meet the 24-hour time limit, although police usually adhered to their 48-hour deadline. Prosecutors are required to submit charges to a court within 14 days of the police report, at which point the detainee should be informed of the charges against him; it was unknown whether this was true in practice. Public prosecutors may order detainees held as long as 21 days without charge, or longer in some cases with a court order. Courts may not grant an extension of more than 30 days of detention without charge; however, judges may renew 30-day extensions indefinitely. Public prosecutors may hold suspects in terrorism-related cases without charge for six months. Once a suspect is charged with terrorism, the Supreme Court may extend the detention indefinitely.

There is no formal system of bail; however, authorities can temporarily release detainees who deposit money, a passport, or an unsecured personal guarantee statement signed by a third party. Defendants in cases involving loss of life, including involuntary manslaughter, may be denied release in accordance with the law. Some prisoners, detained on charges related to a person's death, were released after making a monetary payment (diya).

A defendant is entitled to an attorney after police have completed their investigation. Police sometimes questioned the accused for weeks without access to an attor-

ney. The government may provide counsel, at its discretion, to indigent defendants charged with felonies that are punishable by imprisonment of 3 to 15 years. The law requires the government to provide counsel in cases in which indigent defendants face punishments of life imprisonment or the death penalty. Generally authorities granted family members prompt access to those arrested on charges unrelated to state security; however, some persons were held incommunicado.

Arbitrary Arrest.—The government committed arbitrary arrests, notably in cases that allegedly violated state security regulations. On February 4, the State Security Department arrested Hasan Muhammed Al Hammadi, an active board member of the Teachers' Association, after he expressed support for demonstrators in Egypt during a mosque sermon in Sharjah. The government held him in incommunicado detention in Khorfakkan and later transferred him to Abu Dhabi. The government released him on February 17 after he turned over his passport to authorities. Arabic press reported that he may be charged under Article 182 of Federal Law No. 3 of 1987 for using religion to incite sedition or acts threatening internal security, but no further information was available about his case at year's end. The government later dissolved the elected board of the Teachers' Association (see Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights). Arbitrary arrest also occurred during the detention of Ahmed Mansoor, (see section 1.e., Political Prisoners and Detainees).

Pretrial Detention.—According to reports, pretrial detention was in some cases arbitrarily lengthy (see section 1.e., Denial of Fair Public Trial).

Amnesty.—While there were no known amnesties during the year, on religious and national holidays and after returning from long periods of convalescence overseas, rulers of each emirate regularly pardon and pay the debts of many prisoners. According to press reports, rulers pardoned at least 4,192 prisoners and paid their debts during the year.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, in practice court decisions remained subject to review by the political leadership and suffered from nepotism. There were reports that the State Security Department intervened in judicial affairs. The judiciary was composed largely of contracted foreign nationals subject to potential deportation, further compromising its independence from the government. There was no functional separation between the executive and judicial branches.

By tradition the local rulers' offices, or "diwans," maintained the practice of reviewing some criminal and civil offenses before they referred cases to prosecutors. They also reviewed sentences judges passed, returned cases to the court on appeal if they did not approve of the verdict, and approved the release of every prisoner who had completed a sentence. The diwans' involvement—usually in cases between two citizens or between a citizen and noncitizen—led to lengthy delays prior to and following the judicial process and lengthened the time defendants served in prison. The diwan's decision in any court case is considered final and, when a judge and diwan disagree, the diwan's decision prevails.

Trial Procedures.—According to the law, defendants are presumed innocent until proven guilty. The constitution provides the right to a public trial, except in national security cases or cases the judge deems harmful to public morality. As in countries with civil law systems, there are no jury trials. Defendants have the right to be present at their trial and a limited right to legal counsel in court. While awaiting a decision on official charges at the police station or the prosecutor's office, a defendant is not entitled to legal counsel. In all cases involving a capital crime or possible life imprisonment, the defendant has a right to government-provided counsel. The government may also provide counsel, at its discretion, to indigent defendants charged with felonies punishable by imprisonment of three to 15 years. The law provides prosecutors discretion to bar defense counsel from any investigation. Defendants and their attorneys can present witnesses and question witnesses against them, but this did not always happen in practice. Defense counsel has access to relevant government-held evidence. By law all court proceedings are conducted in Arabic. Despite the defendant's procedural right to a translator, in some cases involving deportation of illegal residents, the court provided translation only at sentencing. The defense counsel often used a translator to communicate with the defendant. In cases involving foreign defendants, especially for crimes of moral turpitude, authorities sometimes deported the defendants immediately based solely on allegations.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the emirate in which the offense is committed or to the president of the federation. In murder cases, consent of the victim's family is required to commute a death sentence. The government normally negotiated with victims' families for the defendant to offer diya in exchange for forgiveness and a commuted death

sentence. In cases that end in acquittals, the prosecutor may appeal and provide new or additional evidence to a higher court. An appellate court must reach unanimous agreement to overturn an acquittal.

The case of an American citizen charged with financial crimes valued in millions of dirhams continued at year's end, marking the fourth year of incarceration without a conviction for the accused. The courts and prosecutor's office continued to raise additional claims against the defendant that required new rulings from the judge. The courts granted bail to the Emirati codefendant but continued to deny bail for the American citizen despite two earlier rulings that approved the bail requests. These practices have kept the accused incarcerated since 2008 without conviction while Emirati defendants in similar cases were allowed to defend their cases outside incarceration in bail status. The case remains ongoing. Foreigners charged with financial crimes are, in some cases, permitted to defend their cases under bail status at the judge's discretion.

Political Prisoners and Detainees.—During the year there were persons reportedly held incommunicado and without charge for unknown reasons (see section 1.d., Arbitrary Arrest or Detention).

In April security forces arrested Ahmed Mansoor, Nasser Bin Ghaith, Fahad Dalk Al-Shihhi, Hassan Ali Al Khamis, and Ahmed Abdulhaleq Ahmed for publicly insulting the country's rulers through postings on an online discussion forum. Several of the men had earlier signed a public petition to President Sheikh Khalifa calling for universal suffrage in the FNC elections and requesting full legislative authority for the FNC. The government also charged Mansoor with perpetrating acts that endanger state security and undermine the public order. In the group trial, the three-judge panel of the Federal Supreme Court consisted of noncitizen judges from Egypt and Syria who, according to defense attorneys, did not appear at times to understand the Emirati Arabic dialect. There were reports that the prosecution did not specify the explicit acts of defamation that were used against the defendants, and that the government did not provide an opportunity to the defense to cross-examine some prosecution witnesses. Government officials reportedly reviewed all written communication between the defendants and their attorneys and monitored all conversations during jail visits. On November 27, the court sentenced Mansoor to three years in prison and his co-defendants to two years. The government pardoned all five on November 28.

Civil Judicial Procedures and Remedies.—Citizens and noncitizens had access to the courts to seek damages for, or cessation of, human rights violations. The civil courts, like all courts in the country, lacked independence. Administrative remedies were available for labor complaints and were particularly common in cases regarding physical abuse of domestic workers.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits entry into a home without the owner's permission, except when police present a warrant in accordance with the law, but there were credible reports that security forces occasionally failed to obtain warrants. Officers' actions in searching premises were subject to review by the Ministry of Interior, and officers were liable to disciplinary action if their actions were judged irresponsible.

The constitution provides for freedom and confidentiality of correspondence by mail, telegram, and all other means of communication. However, there were reports that the government censored some incoming international mail, tapped telephones, and monitored outgoing mail and electronic forms of communication without legal process.

Local interpretation of Sharia prohibits Muslim women from marrying non-Muslims and Muslim men from marrying women not "of the book," meaning adherents of religions other than Islam, Christianity, and Judaism.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, the law prohibits criticism of rulers and speech that may create or encourage social unrest, and the government restricted the freedom of speech and press in practice.

Freedom of Speech.—After the onset of the Arab Spring, authorities severely restricted public criticism of the government and ministers. The government made several arrests reportedly related to a petition for democratic reforms (see section 1.d., Arbitrary Arrests and section 1.e., Political Prisoners and Detainees).

In January 2010 authorities dismissed a government employee and advisor to the Ras al Khaimah crown prince after the employee criticized the lack of press freedom in the country. Authorities confiscated the individual's passport in 2010 and did not return it.

Freedom of Press.—The government owned several of the country's newspapers and heavily influenced the privately owned media, particularly through government subsidies. Except for media located in Dubai and Abu Dhabi's special free trade zones and foreign language media targeted to foreign residents, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. Satellite-receiving dishes were widespread and provided access to international broadcasts without local censorship.

Censorship or Content Restrictions.—By law the National Media Council (NMC), appointed by the president, licenses and censors all publications, including private association publications. The law authorizes censorship of domestic and foreign publications to remove criticism of the government, ruling families, or friendly governments; statements that "threaten social stability"; and material considered pornographic, excessively violent, derogatory to Islam, or supportive of certain Israeli government positions. In April authorities removed an unflattering feature on Dubai from newsstand copies of the international magazine Vanity Fair. According to the NMC and Dubai police officials, journalists were not given specific publishing instructions; however, government officials reportedly warned journalists when they published material deemed politically or culturally sensitive. Journalists practiced extensive self-censorship regarding the issues they chose to cover for fear of government retribution, particularly since most journalists were foreign nationals and could be deported. Some books perceived as critical of the government were not available for sale in the country.

Libel Laws/National Security.—The government used libel laws to suppress criticism of its leaders and institutions. No journalists have received prison sentences for defamation since 2007. Other punishments for violations of libel laws remained in force, including suspension of publishing for a specified period of time and penalties of five million dirhams (approximately $1.4 million) for disparaging senior officials or royal family members and 500,000 dirhams (approximately $140,000) for misleading the public and harming the country's reputation, foreign relations, or economy.

On May 30, the Dubai Court of Misdemeanors acquitted British journalist Mark Townsend in the August 2010 case in which he had been charged with defamation for allegedly criticizing his employer, Khaleej Times.

Internet Freedom.—The government restricted access to some Web sites and monitored chat rooms, instant messaging services, and blogs. Self-censorship was apparent in many chat rooms and blogs, and local media reported that the Ministry of Interior monitored Internet use in cybercafes. In August Dubai police announced that individuals could be imprisoned for forwarding or spreading information that insulted the country's reputation or that were viewed as being capable of inciting violence through instant messaging services or social media.

The country's only two service providers used a proxy server to block material deemed inconsistent with the country's values, as defined by the Ministry of Interior. Blocked material included pornographic and other sites deemed indecent; dating and matrimonial sites; gay and lesbian sites; sites concerning the Bahai faith; some sites originating in Israel; and sites explaining how to circumvent the proxy servers. The proxy servers occasionally blocked broad categories of sites. The service providers populated their list of blocked sites primarily from lists purchased from private companies, although individuals could also report offensive sites to be blocked. Social and politically oriented Web sites remained either blocked or modified during the year. International media sites accessed using UAE internet providers contained filtered content. The government also blocked some sites that contained content critical of ruling families. The NMC was responsible for creating lists of blocked sites. Service providers do not have the authority to remove Web sites from block lists without government approval. In February Facebook pages related to organizing antigovernment protests were blocked. The government also blocked Voice Over IP Web sites like Skype.

The law explicitly criminalizes the use of the Internet to commit a wide variety of offenses and provides fines and prison terms for Internet users who violate political, social, and religious norms. The law also criminalizes acts commonly associated with "cybercrimes," such as hacking, "phishing," and other forms of financial fraud. The law provides penalties for using the Internet to oppose Islam, proselytize Muslims to join other religions, "abuse" a holy shrine or ritual of any religion, insult any religion, incite someone to commit sin, or contravene "family values" by publishing news or photos pertaining to a person's private life or family.

During the year the government prosecuted online activist Ahmed Mansoor and others for their online activities (see section 1.e., Political Prisoners and Detainees).

In August a British national was fined 3,000 dirhams (approximately $800) for insulting her coworker and the holy Islamic month of Ramadan on her personal Facebook page.

Academic Freedom and Cultural Events.—The government restricted academic freedom and censored academic materials for schools. Official permission was required for conferences that discussed political issues, and organizations found it difficult to secure meeting space for public events that dealt with contentious issues.

Cultural institutions typically avoided showcasing artwork that critiqued the ruling regime or religion. In April Sharjah officials fired the American director of the Sharjah Biennial art fair after certain art pieces were deemed to be critical of Islam.

In November the International Bar Association held its annual global meeting in Dubai. A few participants reported that authorities almost cancelled the conference, only allowing it to proceed after organizers removed certain programs from the conference agenda, such as a panel on women and Islam.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedoms of assembly and association; however, in practice the government did not respect these rights.

Freedom of Assembly.—The law requires a government-issued permit for organized public gatherings. During the year authorities dispersed impromptu, unpermitted gatherings or protests, at times arresting participants. While there is no uniform standard for the number of people that can gather, civil society representatives reported that groups of four or more could be asked to disperse without a permit. In practice the government did not interfere routinely with informal, nonpolitical gatherings held without a government permit in public places unless there were complaints. The government generally permitted political gatherings that were aligned with the government's policies.

Freedom of Association.—Political organizations, political parties, and trade unions are illegal. All associations and NGOs were required to register with the Ministry of Social Affairs, and many received government subsidies. Registration rules require that all voting organizational members, as well as boards of directors, must be Emirati citizens; this excludes almost 89 percent of the population from fully participating in such organizations. Approximately 140 domestic NGOs—mostly citizens' associations for economic, religious, social, cultural, athletic, and other purposes—were registered with the ministry. More than 30 unregistered local NGOs that focused on nonpolitical topics operated with little to no government interference. Associations must follow the government's censorship guidelines and receive prior government approval before publishing any material.

During the year the government dissolved the boards of directors of two professional organizations (see section 5, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights).

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, emigration, and repatriation, and the government generally respected these rights in practice; however, the government imposed legal restrictions on foreign travel. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations on a humanitarian basis, but it did not grant refugee status or asylum. The lack of passports or other identity documents restricted the movement of stateless persons, both within the country and internationally.

Foreign Travel.—Male citizens involved in legal disputes under adjudication were generally not permitted to travel outside the UAE. Custom dictates that a husband can prevent his wife, minor children, and adult unmarried daughters from leaving the country by taking custody of their passports.

Citizenship.—The government may revoke naturalized citizens' passports and citizenship status for criminal or politically provocative actions. On December 4, government authorities revoked the citizenship of six members of the organization Dawat Al-Islah, some of whom had signed a petition earlier in the year calling for an elected parliament with executive powers.

Protection of Refugees.—Access to Asylum.—The country's laws do not provide for the granting of asylum or refugee status nor is there a system for providing protection to refugees. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugee Abuse.—The government continued to detain some persons seeking refugee status, particularly Palestinians and non-Arabs, while they awaited resettlement in third countries.

Access to Employment and Basic Services.—As access to employment, education, and other public services is based on an individual's status as a legal resident, refugees were not eligible for such benefits.

Stateless Persons.—Estimates suggested that an unverified range of 20,000 to 100,000 persons without any citizenship or proof of citizenship (known as "Bidoon") resided in the country. Most Bidoon lacked citizenship because they did not have the preferred tribal affiliation used to determine citizenship when the country was established. Others had entered the country legally or illegally in search of employment. Citizenship is derived generally from one's parents; thus, Bidoon children born within the country's territory remained stateless. Children of female citizens married to noncitizens do not acquire citizenship automatically at birth, but their mothers can obtain citizenship for the children after submitting an application, which the government generally accepts. However, on November 30, in the context of celebrating the UAE's 40th National Day, President Khalifa announced that children of Emirati mothers married to foreigners would have the right to apply for Emirati citizenship. A foreign woman may receive citizenship through marriage to a citizen after 10 years of marriage, and anyone may receive a passport by presidential fiat.

The government has a naturalization process, and individuals can apply for citizenship; however, there were no reports of stateless persons receiving citizenship during the year. There were reports of stateless persons being forced to accept third-country citizenship as a means to gain a passport.

The Bidoon reportedly faced harassment by governing officials and were vulnerable because of their lack of legal status. They faced discrimination in employment and had restricted access to medical care and education. Without passports or other identity documents, their movement was restricted, both within the country and internationally.

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

The law does not provide citizens the right to peacefully change their government. Federal executive and legislative power is in the hands of the Federal Supreme Council, a body composed of the hereditary rulers of the seven emirates. It selects from its members the country's president and vice president. Decisions at the federal level generally represented consensus among the rulers, their families, and other leading families. The ruling families, in consultation with other prominent tribal figures, also choose new emirate rulers.

Elections and Political Participation.—Recent Elections.—While there were no democratic general elections, on September 24, a 130,000-member appointed electorate elected 20 members of the FNC, a 40-member consultative body with no legislative authority. Seats in the FNC were apportioned to each emirate based on population size. Each emirate appoints a portion of the other 20 FNC members. Authorities expanded the electorate from the 2006 election, in which they appointed only 6,689 Emiratis. The electorate appointment process lacked transparency. Approximately 28 percent of eligible voters participated, electing one woman among the 20 FNC members. There were more than 460 candidates, some of whom publicly lobbied for greater legislative authority without retaliation from the government.

Political Parties.—Citizens did not have the right to form political parties.

Participation of Women and Minorities.—Although some traditional practices discouraged women from engaging in political participation, the government prioritized women's participation in the September FNC elections and in other areas. Women constituted 46 percent of the electoral pool, appointed by the emirates' rulers, and 18 percent of FNC candidates. There were four women in the cabinet; seven women, one of whom was elected, served in the FNC; and several women served as public prosecutors or judges. In Sharjah six women served on the 40-seat Consultative Council, reportedly one of the most active local consultative bodies on women's issues, and women also served as directors of local departments. A few women held nonfederal senior government positions in the other emirates.

Except in the judiciary, religious and racial minorities, including Shia, did not serve in senior federal positions. Many judges were contracted foreign nationals.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. Government corruption reportedly oc-

curred at the administrative level. According to some reports, individuals connected to the ruling families went unpunished for corruption due to the lack of an independent judiciary. Nepotism and corrupt financial and legal practices existed. There were no financial disclosure laws for public officials. The Ministries of Interior and Justice and the State Audit Institution were responsible for combating government corruption.

On January 31, local press reported the prosecution of the Abu Dhabi Electricity and Water Authority's (ADWEA) Insurance Section head, along with four other officials, by the Abu Dhabi Criminal Court, for accepting bribes worth 297 million dirhams (approximately $82 million). On November 15, local press reported that the Abu Dhabi Criminal Court of First Instance sentenced the former ADWEA insurance head to three years' imprisonment and reparations of the 297 million dirhams along with a fine of an additional 297 million dirhams (totaling approximately $164 million). The court sentenced three officials to six months' imprisonment and one official to three months' imprisonment. All four were ordered deported as they are noncitizens.

The law provides for public access to government information, but the government followed this provision selectively. Requests for access usually went unanswered.

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

The government generally did not permit organizations to focus on political issues. Two recognized local human rights organizations existed at the beginning of the year: the quasi-independent EHRA, which focused on human rights issues and complaints such as labor rights, stateless persons' rights, and prisoners' well-being and humane treatment; and the government-subsidized Jurists' Association Human Rights Committee, which focused on human rights education and conducted seminars and symposia subject to government approval. Although a government prosecutor headed the EHRA, it generally operated without government interference, apart from the requirements that apply to all associations in the country.

During the Arab Spring, after representatives from the Jurists' Association and the Teachers' Association signed an online petition calling for greater political reforms, the Ministry of Social Affairs dissolved the boards of directors of both organizations and reconstituted them with state appointees, stating that both groups had violated laws forbidding organizational interference in politics or matters of state security. The government directed and subsidized participation by NGO members in events outside the country. All participants must obtain government permission before attending such events, even if they are not speakers, and the government could restrict representatives of NGOs from traveling to conferences abroad.

The government did not allow international human rights NGOs to be based in the country but allowed representatives to visit on a limited basis. There were no transparent standards governing visits from international NGO representatives.

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

The constitution provides for equality for citizens without regard to race or social status, and the law prohibits discrimination based on disability; however, legal and cultural discrimination existed and went unpunished. The constitution does not prohibit discrimination based on gender or language, nor does it provide for equality for noncitizens.

Women.—Rape and Domestic Violence.—The law criminalizes rape and it is punishable by death under the penal code. The penal code does not address spousal rape. The penal code allows men to use physical means, including violence, at their discretion against female and minor family members. Domestic abuse cases may be filed as assault without intent to kill, punishable by 10 years in prison if death results, seven years for permanent disability, and one year for temporary injury.

In general the government did not enforce such laws effectively. Although domestic abuse against women, including spousal abuse, remained a problem, and there were widespread and frequent reports that employers raped or sexually assaulted foreign domestic workers, such cases rarely made it to court. Furthermore, in Sharia courts the extremely high burden of proof for a rape case contributed to a low conviction rate. In addition, female victims of rape or sexual crimes faced the possibility of prosecution instead of assistance from government authorities. Victims of domestic abuse may file complaints with police units stationed in major public hospitals. Social workers and counselors, usually female, also maintained offices in public hospitals and police stations. However, women often were reluctant to file formal charges of abuse for social, cultural, and economic reasons. Only Dubai had a domestic abuse center.

Sexual Harassment.—The government can prosecute harassment via the penal code prohibition for the following: "disgracing or dishonoring" a person in public, punishable by a minimum of one year in prison and up to 15 years if the victim is under the age of 14 years; "infamous" acts against the rules of decency, which carry a penalty of six months in prison; or "dishonoring a woman by word or deed on a public roadway," which could result in up to one year in prison and a 10,000 dirham (approximately $2,725) fine. The government did not enforce the law effectively.

Reproductive Rights.—Married couples had the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Fornication outside of marriage is a crime. There was no information on whether men and women were treated and diagnosed equally for sexually transmitted infections, including HIV.

Discrimination.—Women faced legal and economic discrimination. The government's interpretation of Sharia applied in personal status cases and family law. The law forbade Muslim women to marry non-Muslims. Unlike men, female citizens married to noncitizens did not automatically pass citizenship to their children; however, this changed slightly on the UAE's 40th National Day (see section 2.d, Stateless Persons). The law permits a man to have as many as four wives. Women normally inherited less than men under the government's interpretation of Sharia. For example, a son may inherit double what a daughter inherits when their parent dies.

In order for a woman to obtain a divorce with a financial settlement, she must prove that her husband has inflicted physical or moral harm upon her, has abandoned her for at least three months, or has not maintained her upkeep or that of their children. Alternatively, women may divorce by paying compensation or surrendering their dowry to their husbands. Sharia law no longer applies to child custody cases. In August 2010 the Federal Supreme Court adopted the "best interests of the child" standard to determine which parent should receive custody, regardless of Sharia law's prescription based on the child's age.

Fornication outside of marriage is a crime, and the government may imprison and deport noncitizen women if they bear children out of wedlock. Paternity denial was an emerging phenomenon in the courts. In several instances, despite DNA tests proving paternity, the courts could not force a man to accept paternal responsibility. In the absence of an acknowledged father, the mothers of these children faced potential legal charges of adultery, for which the punishment can be lashing. However, there were no reports of such lashings during the year.

No law prohibits women from working or owning businesses, and a man has no right under the government's interpretation of Sharia to ban his wife from working if she was employed at the time of their marriage; however, anecdotal reports suggest that some husbands did so. Women who worked in the private sector regularly did not receive equal benefits and reportedly faced discrimination in promotions and equal wages. While foreign men working in the country could obtain residency permits for their families for three years, foreign women could obtain permits only for a renewable one-year period.

Women constituted more than 75 percent of university students. Federal law prohibits co-education in public schools and universities except in the United Arab Emirate University's Executive MBA program, and certain graduate programs at Zayed University. Several private schools, private universities, and institutions were co-educational.

Children.—Birth Registration.—Citizenship is derived generally from one's parents. The government registered births of stateless persons (Bidoon), but it did not automatically grant citizenship to them (see section 2.d., Stateless Persons).

Education.—Education is compulsory through the ninth grade; however, compulsory education was not enforced, and some children did not attend school, especially children of noncitizens. Noncitizen children could enroll in public schools only if they scored more than 90 percent on entrance examinations, which were given only in Arabic. The government provided primary education free to citizens but not to noncitizens. Public schools were not coeducational after kindergarten. Girls and women generally continued to higher levels of education than their male peers.

Child Abuse.—The law prohibits child abuse. It was reportedly not prevalent, but there was some evidence that societal influences prevented cases from being reported. The government provides some shelter and help for child victims of abuse or sexual exploitation. In April the government hosted a three-day meeting of the Virtual Global Task Force, composed of law enforcement agencies from around the world cooperating to protect children from online child abuse and sexual exploitation. Newspapers frequently advertised the Ministry of Interior's child abuse re-

porting hotline. In July Minister of Interior Sheikh Saif Bin Zayed Al Nahyan announced the establishment of the Center for Child Protection within the ministry to develop policies and strategic plans for family and child protection. At year's end, the Dubai Foundation for Women and Children was working on the first nationwide comprehensive study of child abuse.

Harmful Traditional Practices.—The law does not address female genital mutilation (FGM), which some Somali, Omani, and Sudanese foreign residents practiced although the practice is rare in the UAE. The Ministry of Health prohibits hospitals and clinics from performing FGM.

Sexual Exploitation of Children.—The law criminalizes the sexual exploitation of children, with a minimum penalty of 10 years in prison. Consensual sex is illegal outside of marriage, carrying a minimum penalty of one year in prison. The penalty for sex with children under the age of 14 is life imprisonment. Distribution and consumption of child pornography is illegal (see section 6, Child Abuse).

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

Anti-Semitism.—There were no synagogues for the small foreign Jewish population in residence. Some news articles and editorials contained anti-Semitic remarks. These expressions occurred primarily in daily newspapers without government response.

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

Persons With Disabilities.—The law prohibits discrimination against persons who have physical and mental disabilities; however, the government was slow to implement and enforce the law.

Most public buildings provided some form of access for persons with disabilities in accordance with the law.

Health care provided in the Ministry of Social Affairs' five federal rehabilitation centers, as well as those in private centers, reportedly was inadequate; the rehabilitation centers lacked qualified individuals who specialized in physical and other medical therapies. Rehabilitation centers focused almost exclusively on medical rehabilitation for people with disabilities and failed to address the need for vocational rehabilitation. Rehabilitation centers considered individuals with disabilities as subjects of medical care and medical "cures," which impeded social and economic integration and the recognition of the individuals' human rights and human dignity.

Various departments within the Ministries of Labor, Education, and Social Affairs were responsible for protecting the rights of persons with disabilities, and the government effectively enforced these rights in areas related to employment, housing and other entitlement programs. The emirate of Abu Dhabi reserved 2 percent of government jobs for citizens with disabilities, and other emirates and the federal government included statements in their human resources regulations emphasizing that priority should be given to hire citizens with disabilities in the public sector. The employment of persons with disabilities in the private sector remained a significant challenge due to a lack of training and opportunities, a lack of public awareness, and prevalent societal discrimination.

The Community Development Authority of Dubai, among other government agencies, carried out some public awareness campaigns during the year to improve understanding of sexual and psychological harassment faced by children with physical and mental disabilities.

Officials overseeing the September 24 FNC election assisted voters with disabilities, and polling stations had wheelchair ramps at both the men and women's entrances. Moreover, a blind candidate from Sharjah ran in the FNC election.

National/Racial/Ethnic Minorities.—Approximately 89 percent of the country's residents were noncitizens originating primarily from the Indian subcontinent. Societal discrimination against noncitizens was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care.

The law criminalizes commercial disputes and bankruptcy, which led to discrimination against foreigners. In practice, these laws were selectively enforced and allowed local Emiratis to threaten expatriate business people and foreign workers with harsh prison sentences to assure a favorable outcome in commercial disputes.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Both civil law and Sharia criminalize homosexual activity. Under Sharia the death penalty is the punishment for individuals who engage in consensual homosexual activity. There were no prosecutions for homosexual activity during the year. At times the government subjected persons to psychological treatment and counseling for homosexual activity.

Cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors.

Other Societal Violence or Discrimination.—Persons with HIV/AIDS and other diseases faced discrimination. There were credible reports that government officials discriminated against prisoners with HIV by not granting commuted sentences or parole that other prisoners with similar records had received, and that HIV-positive prisoners did not have access to appropriate health care in detention. Noncitizen residents infected with HIV, hepatitis types B and C, tuberculosis, and leprosy were denied all health benefits, quarantined, and deported.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law does not permit workers to form or join unions. The law does not prohibit strikes in the private sector, but it allows an employer to suspend an employee for striking. The labor code forbids strikes by public sector employees, security guards, and migrant workers. There is no right to collective bargaining. In the private sector, individual employment contracts must be approved by and registered with the Ministry of Labor. The labor code does not apply to public servants or domestic and agricultural workers.

At the request of an employer, the government may cancel the work permit of and deport for up to one year any foreign worker for unexcused absences over seven days or for participating in a strike.

No unions existed in the country. The government granted some professional associations with majority citizen membership a limited ability to raise work-related issues, to petition the government for redress, and to file grievances with the government. These organizations were required to receive government approval for international affiliations and travel. Foreign workers may belong to these professional associations; however, they do not have voting rights and cannot serve on the organizations' boards.

Private sector employees may file collective employment dispute complaints with the Ministry of Labor, which acts as mediator between the parties under the labor law. Employees may file unresolved disputes with the labor court system, which are in turn forwarded to the conciliation council. In practice most cases were resolved through direct negotiation. All foreign workers have the right to lodge labor-related grievances with the Ministry of Labor. The ministry sometimes intervened in disputes and helped negotiate a private settlement.

Public sector employees may file an administrative grievance or a case in the civil courts to address a labor-related dispute or complaint. There was no publicly available information on cases filed.

Protests and strikes took place, most of them illegal. Most worker protests were related to unpaid wages and hazardous or abusive working conditions. The government generally did not punish workers for nonviolent protests or strikes, but it did disperse such protests during the year. On January 26, police detained 74 workers in Dubai during a strike by more than 3,000 employees demanding wage increases from Arabtec, a construction company. The company agreed to a wage increase and improved benefits for thousands of workers, but the government deported the 74 detained workers.

On May 2, the government dissolved the board of the Teachers' Association, an organization that represents and defends the rights of teachers in the country (see section 5).

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor; however, the government did not effectively enforce the law, and such practices occurred, predominantly involving migrant workers from South and East Asia employed in construction or domestic work.

Migrant workers were subject to forced labor. Employers routinely held employees' passports, thus restricting their freedom of movement. While employer passport retention is illegal, few laborers filed complaints. Migrant workers also were subject to nonpayment of wages, threats, and physical or sexual abuse. Upon arrival to the country, some foreign workers signed contracts that had lower salaries or involved a different type of work than what was stated in contracts signed in their country of origin, a practice known as "contract switching." There were reports that some female migrant workers were forced into prostitution.

Some noncitizen domestic and agricultural workers were subject to unpaid labor to repay their employers for hiring expenses, often in the form of forced labor. In most of these cases, workers paid recruitment fees in their country of origin and were responsible for repaying them once beginning work. In some cases, employers withheld payment while workers "repaid" expenses incurred by employers to sponsor the worker; some employers did not pay workers even after these debts were repaid. In other cases, workers who had taken out a loan to pay labor recruiting fees in their home countries arrived in destination countries and spent most or all of their salaries trying to pay either the labor recruiters or loan sharks back, at times trapped in unpleasant or exploitative work environments because of the incumbent debt.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of persons younger than 15 years and has special provisions for employing persons between 15 and 18 years. There were separate provisions regarding foreign resident children 16 or older. The Ministry of Labor is responsible for enforcing these regulations and generally enforced them effectively. Unlike in previous years, there were no reports of foreign children who came to the country under their parents' work permits and subsequently pressured to work. The traditional practice of using Emirati children as camel jockeys continued in some privately held races.

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

d. Acceptable Conditions of Work.—There is no established minimum wage. Salaries, which depended on the occupation and employer, were estimated at around 400 dirhams (approximately $110) per month for domestic or agricultural workers and 600 dirhams (approximately $164) per month for construction workers.

According to the labor law, the workday is eight hours and the work week six days. In practice, some service sector businesses did not provide employees paid annual holidays. Legal provisions requiring overtime pay and prohibition on excessive compulsory overtime exist. However, these provisions only apply to employees under the auspices of the Ministry of Labor and are not enforced. These provisions do not cover workers in domestic services, agriculture and other categories administered by the Ministry of Interior.

Domestic workers fall under the jurisdiction of the Ministry of Interior and labor laws do not apply to them. The unregulated conditions of domestic workers left them vulnerable to long hours and underpayment.

The law requires employers to provide employees with a safe work and living environment; however, the government did not uniformly enforce health and safety standards during the year, although it did increase monitoring and enforcement of labor laws and regulations. Workers' jobs were not protected if they removed themselves from what they considered to be unsafe working conditions. In 2010 the Ministry of Labor employed 450 labor inspectors. Inspections of workplaces—primarily construction sites—took place throughout the year, resulting in fines for employers who violated workplace safety or midday break rules. The ministry also employed language interpreters to assist foreign workers in understanding employment guidelines.

The law and regulations provide for minimum rest periods and limits hours worked depending on the nature of the work. The law mandates a 2.5-hour midday work break for most outdoor laborers between June 15 and September 15. The government routinely fined employers for violating the midday break rule and published compliance statistics. However, during July and August, the hottest months of the year, the government exempted oil, asphalt, and cement companies from following the law. In July local press reported that labor inspectors had visited 9,533 firms and had fined 34 firms for violations, reporting 99.7 percent compliance. In addition to being fined between 10,000 and 20,000 dirhams (approximately $2,725-5,450), offenders are barred from obtaining additional work permits for between six months and a year.

During the year the government began implementing changes to the labor code announced in December 2010 that eliminated the requirement that foreign workers who wanted to switch jobs obtain a letter of no objection from their employer. However, the change in regulation did not apply to day laborers, construction workers, or domestic servants.

In January the government amended the labor law to allow employees the option to work without an employment contract or, in cases in which a contract was in force, to change employer sponsors after a maximum of two years (and even within

two years in certain cases) in certain employment categories for improved job mobility.

Foreign workers frequently did not receive their wages from employers on time, sometimes for extended periods. However, the government's implementation of the Wages Protection System (an electronic salary verification system) and fines discouraged employers from not paying salaries to foreign workers under the auspices of the Ministry of Labor. According to a January 9 press report, at least 3.3 million workers received their wages via direct deposit through the Wages Protection System. The estimated 700,000 workers and 40 percent of companies not yet enrolled were reportedly small businesses. The Wages Protection System did not apply for foreign workers under the authority of the Ministry of Interior, including domestic and agricultural workers.

The Ministry of Labor operated a toll-free hotline in Arabic, English, and Urdu through which workers were able to report companies that violated break rules or delayed wage payments.

Despite the Ministry of Labor's efforts to improve housing facilities, some low-skilled and foreign employees continued to face substandard living conditions, including overcrowded apartments or lodging in unsafe and unhygienic "labor camps," which sometimes lacked electricity, potable water, and adequate cooking and bathing facilities. Construction of newer worker accommodations was ongoing. Individual emirates enforced their own standards for minimum conditions for labor accommodations.

Reports of migrant worker suicides continued, with reports linking the deaths to poor working conditions, abusive employers, and heavy debts caused by exploitative labor recruitment agencies, as well as by low wages relative to the high cost of living.

During the year the press reported a number of cases in which workers were injured or killed on job sites due to inadequate safety measures. Although the law requires the government to monitor job-related injuries and deaths, in practice the government registered the cases but did not consistently follow up on them, although there was at least one case of a significant court-ordered fine imposed for negligence.

In Abu Dhabi, stricter enforcement of labor safety standards, particularly in the construction industry, appeared to be having an effect on the number of safety violations.

Domestic workers routinely were subject to physical, sexual, and emotional abuse. There were reports that employers withheld the passports of their domestic workers; in some cases, they prevented workers from leaving the country. For example, on September 17, local press reported a Filipina housemaid fled her employers' residence in Umm Al Quwain after she was beaten regularly, burned with a hot iron, and forced to work seven days a week without pay for three years.

WESTERN SAHARA

EXECUTIVE SUMMARY

Morocco claims the Western Sahara territory and administers Moroccan law through Moroccan institutions in the estimated 85 percent of the territory it controls. However, the Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (Polisario), an organization that has sought independence for the former Spanish territory since 1973, disputes Morocco's claim to sovereignty over the territory.

There has been no census since the Spanish left the territory, but the population was estimated to be more than 500,000, many of whom were attributable to Moroccan in-migration. The indigenous population is Sahrawi, (literally "people of the desert" in Arabic) who also live in southern Morocco, in Algeria, and in Mauritania.

The Moroccan government sent troops and settlers into the northern two provinces after Spain withdrew in 1975 and extended its administration to the third province after Mauritania renounced its claim in 1979. Moroccan and Polisario forces fought intermittently from 1975 until a 1991 ceasefire and the deployment of a U.N. peacekeeping contingent, the U.N. Mission for a Referendum in Western Sahara, whose mandate does not include human rights monitoring. In the late 1980s, Morocco constructed a 1,250-mile stone and sand wall known as the "berm" that effectively marks the limit of its administrative control.

In 1988 Morocco and the Polisario agreed to settle the sovereignty dispute by referendum. The parties did not resolve disagreements over voter eligibility and which

options for self-determination (integration, independence, or something in between) should be on the ballot; consequently, a referendum never took place.

There have been several attempts to broker a solution since 2007 in face-to-face negotiations between representatives of the two sides under U.N. auspices. Morocco has proposed autonomy for the territory within the kingdom; the Polisario has proposed a referendum in which full independence would be an option. Meetings in January, March, June, and July under the auspices of Personal Envoy of the U.N. Secretary General for Western Sahara Christopher Ross did not yield significant progress toward a permanent solution.

Morocco considers the part of the territory that it administers to be an integral part of the kingdom with the same laws and structures conditioning the exercise of civil liberties and political and economic rights. Under the constitution, ultimate authority rests with King Mohammed VI who presides over the Council of Ministers and approves members of the government recommended to him by the prime minister. On July 1, Moroccans adopted a new constitution and on November 25, Morocco held legislative elections, which included Western Saharan provinces. (For additional information on political developments in Morocco, see the 2011 Morocco Human Rights Report.)

Apart from government action to restrict pro-independence views and associations, overall human rights conditions in the territory tended to converge with those in the kingdom. Several long-standing human rights issues that continue to be of concern were related to pro-independence activity, including limitations on the freedom of speech and assembly, the use of arbitrary detention to quell dissent, and physical and verbal abuse of detainees during arrests and imprisonment.

Widespread impunity existed, although the government prosecuted at least one official who committed abuses. Corruption continued among security forces and the judiciary. In addition, Sahrawis faced discrimination in the application of the laws on prison visitation rights and NGO registration.

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one report that a government security official committed an unlawful killing.

In December 2010 an off-duty policeman shot and killed Said Dambar, a Sahrawi resident of Laayoune. Initially denied access to the victim's body for several hours, Dambar's family later was told that he had been drinking with the policeman when the latter's firearm accidently discharged, shooting Dambar in the head. The family refused throughout the year to bury his body until an independent autopsy had been carried out to determine the circumstances of Dambar's death and clear him of having consumed alcohol. On October 12, a court sentenced the policeman involved in the killing to 15 years in prison, a sentence upheld on appeal. Authorities, however, never authorized the independent autopsy, and Moroccan administrative and law enforcement authorities regularly harassed members of the Dambar family and demanded they bury Dambar's body. Dambar's brother lost his eligibility for a position with the Ministry of Finance on October 3 and was told by Ministry of Interior representatives he would obtain the position once he buried his brother.

Many international and local NGOs reported that violent confrontations between Sahrawi protesters and Moroccan security forces, which took place at Agdem Izik in Laayoune in October and November 2010 and resulted in 13 deaths and numerous injuries, exacerbated tensions between the Sahrawi population and Moroccan authorities. The tensions provoked incidents of violence throughout the year.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances, but NGOs reported several cases of arbitrary arrest and detention for periods up to 20 days that they claimed amounted to disappearances.

In the October 2010 case of Mohamad Abdellah Dayhani, plainclothes police in Laayoune allegedly abducted Dayhani, whose family reported to the NGO Sahrawi Collective of Human Rights Defenders (CODESA) that they had received no information from authorities after inquiring about his whereabouts at a police station. The government confirmed that Dayhani had been arrested on terrorism charges but claimed it had followed due procedure in the conduct of the arrest. According to authorities, on October 27, Dayhani was sentenced to 10 years in prison for planning to commit acts of terrorism.

Regarding the still-unresolved cases of disappearance dating to the 1970s and 1980s, the governmental National Council for Human Rights (CNDH) continued to investigate claims of enforced and involuntary disappearances. The CNDH acknowledged that due to a lack of evidence, it likely will be unable to resolve 10 difficult cases. Sahrawi human rights groups and families, on the other hand, claimed that at least 114 cases remained unresolved and that many more were unacknowledged.

As its predecessor, the Consultative Council for Human Rights (CCDH), has done since 2000, the CNDH provided reparations during the year to victims of human rights abuses, including monetary assistance, vocational training, and medical insurance to Sahrawis or family members of those who had disappeared or been detained during the 1970s and 1980s. The CNDH continued to receive and investigate reparation claims throughout the year, although NGOs claimed the 114 unresolved cases had not been accepted by the CNDH for review. The CNDH stated it had shifted focus from individual reparations to community projects, although all the examples of such projects indicated by the CNDH were located outside Western Sahara in internationally recognized Morocco.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There were credible reports that security forces engaged in torture, beatings and other mistreatment of detainees. Both international and local NGOs continued to report abuses, especially of Sahrawi independence advocates.

Prison and Detention Center Conditions.—Allegations of abuse and substandard prison conditions persisted.

The Moroccan Observatory of Prisons (OMP), a local NGO consisting of lawyers and activists promoting better conditions for prisoners, stated that it regularly received complaints of physical abuse and occasional reports of torture from the family members of inmates in Laayoune Prison, the sole prison in Western Sahara. However, independent verification of these claims was impossible as access to the prison had been prohibited since 2008 for human rights NGOs. The most common complaints alleged physical abuse, a lack of access to health care, and the transfer of prisoners to locations far from their families within Western Sahara and to internationally recognized Morocco.

Human rights and pro-independence activists claimed authorities falsely charged them with criminal offenses. Laws require authorities to investigate abuse allegations for any individual facing prosecution who requests an investigation, but local and international human rights advocates claimed that courts often refused to order medical examinations, or to consider medical examination results in cases of alleged torture.

The 23 Sahrawis arrested during the November 2010 dismantling of the Agdem Izik camp and subsequent violence in Laayoune remained in custody during the year at Sale Prison near Rabat. Families of the detainees complained that prison conditions were unusually harsh, with limited family visitation rights and little access to health care, proper food, and clean clothes. A December 9 CNDH prison visit led to improved conditions for the detainees and the provisional release of two of the detainees on health grounds. Throughout the year there were continuing credible reports from many who were detained and subsequently released— as well as many of the families of those still in custody—that security officials beat and otherwise abused them. Domestic NGOs alleged that in numerous instances security officials threatened detainees with rape.

NGOs that provide social or religious services to prisoners were permitted to enter detention facilities, but not human rights NGOs. Generally such visits were restricted to common areas within the detention center with no access to prisoners in their cells. The government reported 84 visits to detention centers in Western Sahara during the year: judicial officials conducted 50, regional monitoring commissions 11, and national NGOs 23. The OMP relayed complaints of substandard prison conditions to authorities but was not allowed to conduct its own investigations of these complaints. The CNDH also received complaints but did not visit Laayoune Prison during the year.

In October the government reported that the public prosecutor and magistrates had requested expert medical examinations for 19 individuals in both Morocco and Western Sahara, compared with 31 requests in 2010. An 11-member coalition of Moroccan NGOs reported that 52 Sahrawis arrested by security forces in connection with the November 2010 camp dismantlement and ensuing protests alleged police torture in late 2010 and early 2011 and submitted requests for medical examinations. The government's response to their requests remained unknown at year's end.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention but security forces routinely ignored this in practice.

At year's end, the 23 Sahrawis arrested during the dismantling of the Agdem Izik camp and subsequent violence in Laayoune remained in custody at Salé Prison near Rabat. The government issued no clear charges other than police allegations that they were connected to the deaths of 11 security service personnel during the riots. On November 10, the prisoners were referred to a military court, but no trial date was set.

Role of the Police and Security Apparatus.—Police impunity remained a problem. According to several international, domestic, and Sahrawi NGOs, the number of complaints filed against police by alleged victims of human rights abuses increased. The government disputed the alleged increase and provided statistics indicating that through October, residents of Western Sahara filed 45 complaints against authorities based throughout the territory. The judicial police and the prosecutor investigated all 45 complaints but the prosecutor dismissed 32 due to lack of evidence. Thirteen cases remained under investigation at year's end. International and domestic human rights organizations claimed that authorities dismissed nearly all complaints relying only on the police version of events.

The government stated that it increased security personnel training in human rights and regularly coordinated with the CNDH to draw on the expertise of its members. Human rights components are included in basic training as well as in various educational milestones throughout the careers of most security personnel. According to the government, some prosecutions involved officers who allegedly committed crimes in the territory; however, the number was unavailable because data was not disaggregated by region. Past practice often left alleged abusers in leadership positions or transferred them to other positions.

There were several cases of societal violence between Sahrawis and residents who originate from internationally recognized Morocco. The government reported that security forces responded adequately to minimize violence, although Sahrawi activists alleged that the security forces responded slowly and sometimes tacitly encouraged violence.

On February 25, during an international music concert in Dakhla, groups of Moroccan youth entered the Sahrawi neighborhood of Oum Tounsi and violent confrontations ensued. According to eyewitnesses, police did nothing to stop the confrontations. The following day, a Sahrawi demonstration protesting police inaction turned violent and began targeting police and official-looking vehicles. Military forces were ordered from outside Dakhla and finally brought the situation under control. Fifteen persons were injured.

On September 25, a similar event occurred in Dakhla following a soccer match between a local team and one from Morocco. Following the match, fighting broke out that quickly pitted Moroccans against Sahrawis. According to Sahrawi activists, when Sahrawi protesters began chanting pro-independence slogans, security forces encouraged Moroccan civilians to be more aggressive with the "enemy." Fighting continued on September 26, as Moroccan youth entered Sahrawi neighborhoods until outside security forces restored calm. The two days of violence resulted in eight deaths—including two members of the armed forces—and dozens injured. Immediately following the violence, several dozen Moroccans and Sahrawis were arrested of whom 14 were convicted and 17 remained in custody at year's end. Others were detained briefly and released.

Arrest Procedures and Treatment While in Detention.—Police may arrest an individual after a general prosecutor issues an oral or written warrant; in practice, warrants occasionally were issued after the arrest. Authorities denied defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or 48 hours of detention for other charges, during which police interrogated detainees and alleged abuse or torture was most likely to occur. In many cases, including those not related to terrorism, detainees were held incommunicado for several days and granted limited or no access to legal representation. Under the antiterrorism law, after the first 96 hours, two additional 96-hour extensions are allowed with the written approval of the prosecutor. Under the law a person may be detained without trial for as long as one year while an investigating magistrate completes work.

Arbitrary Arrest.—NGOs claimed several cases of arbitrary arrest and detention occurred for periods up to 20 days. Security services commonly rounded up groups of individuals and detained them for several hours or days without charges before releasing them. In many cases the families of the detainees were not informed until after their release.

The 23 Sahrawis arrested during the November 2010 dismantling of the Agdem Izik camp and subsequent violence in Laayoune remained in custody during the year at Sale Prison near Rabat (see above).

Pretrial Detention.—Pretrial detention was a problem. Several NGOs alleged that across Morocco and Western Sahara, at least 50 percent of all detainees were awaiting trial. By the end of the year, 23 Sahrawis had been in pretrial detention in Sale Prison for more than a year after their arrest during the violence in Laayoune in November 2010. Another 17 had been in custody for approximately three months after their arrest during the September violence in Dakhla.

Political Prisoners and Detainees.—The government denied that there were political prisoners or detainees and claimed all those incarcerated had been convicted of or charged with crimes. However, human rights and pro-independence groups alleged that there were up to 85 Western Saharan individuals held across Western Sahara and internationally recognized Morocco whom they considered political prisoners.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Moroccan law prohibits citizens from criticizing Islam or the institution of the monarchy. It is also illegal to voice opposition to the government's official position regarding territorial integrity and Western Sahara. Most media outlets and bloggers practiced self-censorship on these issues, and there were no reports of government action against them for what they had written. However, at least one blogger claimed that police had detained and physically abused him for several hours while they demanded to know the nature of his foreign travel and his contact with several diplomatic missions in Morocco.

The government enforced strict procedures governing the ability of NGOs and activists to meet with journalists. Foreign journalists needed prior official approval from the Ministry of Communication before meeting with pro-independence NGOs. There were no reports of authorities barring journalists from traveling to Laayoune and no reports of journalists being prevented from meeting pro-independence activists.

Internet Freedom.—Moroccan and international media, including Polisario-controlled television and radio from the Sahrawi refugee camps in Algeria— as well as satellite television, were available in the territory. There was no indication that Internet access in the territory differed from that in internationally recognized Morocco, which was generally open. However, pro-independence bloggers assumed they were monitored closely by authorities and felt the need to hide their identity.

b. Freedom of Peaceful Assembly and Association.—The Ministry of the Interior required those wishing to hold public gatherings, including demonstrations, to obtain permission for public assemblies. Despite this requirement, sit-ins, demonstrations, and unauthorized peaceful protests occurred. Authorities tolerated the majority of these events, even those that were not authorized.

The government generally used administrative delays and other methods to suppress or discourage demonstrations with political overtones and prohibited or failed to accept requests from groups that were associated with human rights activism or harbored pro-independence opinions regarding the Western Sahara.

Several organizations with social and economic demands claimed security forces prevented them from protesting during the period surrounding the one year anniversary of the Agdem Izik camp dismantlement from early October to mid-November. Authorities allowed an unlicensed protest organized by human rights abuse victims of the 1970s-1990s, who had occupied the Laayoune CNDH office, to demand compensation for the abuses they suffered during that time.

Pro-independence organizations and some human rights NGOs stated that in recent years they have applied less frequently for legal permits to engage in sit-ins and demonstrations because police rarely granted the permits. The government reported that by the end of the year, over 1,120 demonstrations or protests had been held in Western Sahara. The majority of these related to socioeconomic issues such as unemployment and housing concerns, but a few also had political overtones, such as sit-ins by relatives of disappeared persons and alleged political prisoners.

There were several instances of security forces using excessive force against pro-independence demonstrators. Authorities violently dispersed several protests throughout the year, resulting in dozens of serious injuries to heads and limbs that required medical attention. Victims of such abuse claimed that government authorities were slow to respond to the formal complaints they filed.

Freedom of Association.—As in previous years, the government did not allow the Sahrawi CODESA or the Association of Sahrawi Victims of Grave Human Rights Violations (ASVDH) to register as official NGOs, limiting their ability to raise funds domestically and internationally and to secure space for public meetings. The CNDH invited the ASVDH to join its executive council, which consists in part of members of civil society. The latter refused on grounds that it would continue to seek formal recognition as a registered NGO before it would consider joining the council.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement.—Unlike in the previous year, there were no reports that the government restricted freedom to travel abroad. There were no reports of the government revoking citizenship.

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

Moroccan citizens in the Western Sahara participated in Moroccan parliamentary elections on November 25. National turnout exceeded 70 percent of registered voters, and local authorities in Western Sahara regularly claimed that turnout in their region exceeded the national average. There was no indication that the government prevented pro-independence candidates from running; however, domestic observers leveled accusations of government complicity in corruption, principally vote buying, in some locations.

Section 4. Official Corruption and Government Transparency

Corruption among security forces and judicial officials was a problem.

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

A small number of international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to requests for meetings. The domestic NGOs investigating human rights cases are usually those not recognized by the government. Nevertheless, government officials occasionally investigated cases raised by these NGOs.

In part as a response to international calls for better human rights monitoring in Western Sahara, Morocco expanded the presence of the governmental CNDH in the territory. On March 1, the CNDH opened an office in Dakhla in October, complementing an existing one in Laayoune.

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

Women.—Relatively little information was available on discrimination against women in the territory. Women participated actively in political and economic activities. Most Sahrawis in the territory lived in urban or semi-urban environments, and their circumstances paralleled the situation in internationally recognized Morocco. In the November 25 communal elections, no women won seats on local tickets in Western Sahara, although across both Morocco and Western Sahara 60 women were elected on the national ticket.

Section 7. Worker Rights

The Moroccan labor code applies in the Moroccan-controlled areas of the territory. The constitution and the labor code permit the right to strike.

Moroccan unions covering all sectors were present in those areas but were not active. The largest trade confederations maintain a nominal presence in Laayoune and Dakhla. These include the Moroccan Union of Labor, the Democratic Confederation of Labor, and the National Union of Moroccan Workers.

There were no known labor strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan government or state-owned organizations. Unions were also active in the phosphate and fishing industries. Wage-sector workers in the territory earned up to 85 percent more than their counterparts in Morocco as an inducement for Moroccans to relocate to the territory. The government exempted workers from income and value-added taxes.

The labor code prohibited forced or bonded labor, and there were no reports that such practices occurred. Penalties for those who perpetrate forced labor range up to four years' imprisonment, and penalties for forced child labor are between one and three years in prison. Labor inspectors assigned to labor delegation offices enforce Moroccan labor laws. There are two delegations in Western Sahara, one in Laayoune and one in Oued Eddahab.

Regulations on the minimum age of employment were the same as in Morocco. There were no reports regarding child labor in the formal wage sector. There were reports of children working in family-owned businesses and in the agricultural sector.

The minimum wage and maximum hours of work in the territory were identical to those in Morocco. Occupational health and safety standards were the same as in Morocco and enforcement was rudimentary, except for a prohibition on the employment of women in dangerous occupations.

In practice during peak periods, workers in fish processing plants worked as many as 12 hours per day, six days per week.

YEMEN

EXECUTIVE SUMMARY

Yemen is a republic with a constitution that provides for a president, parliament, and an independent judiciary. In 2006 citizens elected President Ali Abdullah Saleh to another seven-year term in a generally open and competitive election, but one characterized by multiple problems with the voting process and the use of state resources on behalf of the ruling party. Ali Abdullah Saleh led North Yemen from 1978 until its unification with South Yemen in 1990 and the unified Yemeni state through 2011. Saleh agreed to transfer power in November, marking the first change in Yemen's leadership structure in more than 33 years and setting in motion a two-year transition period. Although the constitution provides for a separation of powers, until the transition agreement, Saleh, his family, and close allies maintained nearly exclusive control of the state apparatus. There were significant instances in which elements of the security forces acted independently of civilian control. Following the defection of a key military commander in March, major components of the armed forces were not under government control. Those remaining under de jure government authority were for the most part under the direct control of the Saleh family, rather than formal national authorities.

Large-scale demonstrations began on January 23 calling for the removal of the Saleh family from power. The subsequent defection of military units, an internal armed conflict between government and opposition forces beginning in May, and President Saleh's refusal to implement an internationally brokered transition agreement until November 23 led to a prolonged period of upheaval that triggered a severe economic decline, increased insecurity around the country, and a humanitarian crisis. National institutions were ineffective or nonexistent, and the independence of the judiciary was undermined. Parliamentary sessions were not held between April and December, restarting only after the signing of the transition agreement in late November. With tensions continuing at year's end, although at a decreased intensity after the start of the transition process, the political stalemate and armed conflict between elites generally resulted in a degraded human rights environment.

The most important human rights problems were government military and security forces' violent reactions to citizens' efforts to peacefully change their government, and the inability of citizens to exercise the full range of their basic human rights.

Other major human rights problems included: torture and other cruel, inhuman, or degrading treatment or punishment; arbitrary arrest and detention; denial of fair public trials; lack of judicial independence; limits on freedoms of speech, press, and assembly; extremist threats and violence; restrictions on freedom of movement; lack of transparency and significant corruption at all levels of government; use of child soldiers by organized forces and tribal and other informal militias; and restrictions on worker rights.

Impunity was persistent and pervasive. The government did not undertake credible investigations or prosecutions of officials for human rights abuses. Government officials implicated in serious human rights violations remained in their positions at the end of the year.

Nongovernmental actors engaged in internal armed conflict with government forces and proxies and committed abuses related to traditional tribal conflicts or simple criminality. Multiple armed groups, including opposition and progovernment tribal militias, regionally and religiously oriented insurgents, terrorist groups including Al-Qaida in the Arabian Peninsula (AQAP), military units that had defected, and government-sponsored "thugs," perpetrated numerous human rights abuses. Principal among these were arbitrary killings, unlawful detentions, and use of excessive force, often in heavily populated urban areas, where combatants employed artillery, rockets, and sometimes tanks, which resulted in the deaths of hundreds of persons.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Government forces and proxies responded with excessive force to Arab Spring-inspired opposition demonstrations, as well as to demonstrations seeking greater autonomy in the southern governorates. Excessive force was also used in internal armed conflicts in Sana'a, Ta'iz, Zinjibar, and elsewhere, resulting in the killing of civilian bystanders (see sections 1.g. and 2.b.).

Although there were no reports of abuses by regular army units, internal security forces such as the Central Security Forces (CSF), and members of special military

units, particularly the Republican Guard, repeatedly used lethal force against opposition protesters seeking the ouster of President Saleh. Non-uniformed pro-Saleh gunmen, who according to credible sources received payment and weapons from regime figures, also killed and injured opposition protesters.

According to a September 16 report of the U.N. Office of the High Commissioner for Human Rights (OHCHR), "many Yemenis peacefully calling for greater freedom, an end to corruption, and respect for rule of law were met with excessive and disproportionate use of lethal force by the state." The report, issued after the June 28-July 6 visit of an OHCHR delegation, noted a pattern of the use of live ammunition to quell protests in Aden in February that subsequently spread to Sana'a, Ta'iz, Ibb, Hudaydah, Mukalla, Dhamar, and al-Baydah. In Ta'iz, the Republican Guard, under the command of Brigadier General Murad al-Awbali, repeatedly launched artillery barrages targeting opposition demonstrators. The OHCHR report added that government forces also used tear gas, batons, electric stun guns, and polluted water cannons. The government in many cases used only nonlethal means but often failed to adhere to a policy of a graduated use of force. By October 18, attacks by government forces and pro-Saleh civilians resulted in the deaths of at least 245 demonstrators and bystanders.

On March 18, gunmen in civilian clothes shot into crowds and killed more than 50 unarmed demonstrators in the "Change Square" sit-in site in Sana'a. According to independent and opposition observers, the gunmen were members of unidentified government military and other security units, as well as tribesmen paid by government funds. The nature of the wounds—many victims were shot in the head—indicated a level of proficiency suggesting formal military training, and many of the gunmen fired from properties owned by government officials. The government claimed that the protesters were impinging on the rights of residents in the neighborhood near Change Square, that some of the protesters were armed, and that the gunmen were individuals protecting their property. Uniformed security forces did not intervene to stop the gunmen firing into the crowd. Seventy-eight suspected gunmen were charged for alleged crimes during the March 18 attack. Their cases did not reach a final disposition by the end of the year.

On May 29, approximately 50 demonstrators and bystanders were killed when units of the Republican Guard, a military force commanded by the president's son, Ahmed Ali al-Saleh, raided an opposition sit-in site in Ta'iz. Republican Guards employed small arms, mortars, and tanks. They burned the demonstrators' tents and, according to eyewitnesses, raided a local hospital, removing medical supplies and damaging equipment. Brigadier General al-Awbali did not face sanctions and remained at his post at the end of the year.

The head of security in Ta'iz during the May 29 incident, Abdullah Qairan, had been removed in March from his position as the head of security in Aden following repeated reports of use of excessive force against demonstrators aligned with the southern secessionist "Al-Hirak" movement. He was thereafter appointed as the head of security in Ta'iz, and accounts of use of excessive force by security services were reported there within days. A prosecutor in Aden Governorate issued a warrant for Qairan's arrest in September, which remained unexecuted at year's end. Despite the warrant and a pattern of excessive force under his tenure in both Aden and Ta'iz, including the attack on May 29, Abdullah Qairan remained in his position as security director in Ta'iz at the end of the year.

Politically motivated killings by nongovernmental actors also occurred. On June 3, a bomb placed in a mosque in the Presidential Palace exploded while President Saleh, other high-level government officials, and dozens of security personnel were attending prayers. Dozens were killed, including the head of the Shura Council, and President Saleh was severely injured along with the governor of Sana'a, the speaker of parliament, and other senior officials. No group claimed responsibility for the attack, and an investigation continued at the end of the year.

Terrorist and insurgent groups also committed unlawful killings. AQAP members conducted multiple attacks on Houthi-affiliated tribesmen in northern Yemen. AQAP members and associated militants also assassinated members of government security services in the southern cities of Aden and Zinjibar and were responsible for the deaths of many civilians during continued AQAP attempts to take control of Zinjibar from May until the end of the year.

b. Disappearance.—During the year there were reports of politically motivated disappearances of individuals associated with southern protests. Although many disappearances were short-term detentions followed by releases, the whereabouts of other individuals remained unknown for months or longer. Civil society groups accused the government of using sporadic disappearances to intimidate the populace. On February 20, Hassan Baum, a prominent leader of the Southern Movement, and his son Fawaz were kidnapped by government personnel while convalescing at a

hospital in Aden. They were held until December 7 without charge, during which time they were denied contact with family and lawyers, who had no information about their location.

Tribal kidnappings traditionally carried out to attract government attention to specific grievances also occurred. For example, gunmen kidnapped three foreign aid workers on November 22, reportedly in an effort to pressure the government to release colleagues whom the government had detained the day before. The aid workers were released two days later. Members of opposition armed groups, including First Armored Division personnel, tribesmen affiliated with Sadiq and Hamid al-Ahmar, and followers of religious cleric Abdul Majid al-Zindani kidnapped government officials and Saleh loyalists (see section 1.g.). The kidnap victims were generally held for short periods and then released, at times as part of prisoner exchanges with the government. In addition to politically motivated tribal kidnappings, women and girls were also kidnapped as part of traditional coerced marriage. Since the law does not recognize spousal rape, any rape would be legally negated by a subsequent marriage (see section 6).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, but there were reports that government officials employed them. Domestic law lacks a comprehensive definition of torture, according to the 2010 U.N. Committee against Torture's Concluding Observations on the country. Mistreatment of prisoners and detainees was barred as a matter of law and policy, but a lack of discipline and training resulted in violations, some of which were reported.

Human rights nongovernmental organizations (NGOs) and former detainees and prisoners alleged that authorities employed torture and mistreatment. The NGO Amnesty International (AI) reported allegations of torture and other mistreatment by police and prison guards, particularly by National Security Bureau (NSB) officials, in the first weeks of detention. Methods cited included beatings with sticks and rifle butts, kicking, and prolonged suspension by the wrists. The OHCHR delegation visit report contained allegations of such treatment of civilians by several government security organizations. The OHCHR also reported that it appeared that opposition supporters committed acts of torture. The OHCHR met a pro-Saleh poet who reportedly was tortured in May by antigovernment supporters, and released after having his tongue removed for having praised the president. Similarly, some clerics who spoke in favor of the president were assaulted.

Prison and Detention Center Conditions.—Local and international observers reported prison conditions remained poor and did not meet international standards. The government permitted visits to most facilities by independent human rights observers, although access was granted very arbitrarily and often depended on local supervisors' decisions.

Many prisons, particularly in rural areas, were overcrowded, with poor sanitary conditions, inadequate food, and inadequate medical care. In some cases prison authorities reportedly extracted bribes from prisoners to obtain privileges or refused to release prisoners who had completed their sentences until the prisoners family members paid authorities.

Approximately 11,000 prisoners (of whom 1.6 percent were female and 1.4 percent juveniles) were held in Ministry of Interior (MOI) prisons. More than half of those incarcerated were either awaiting trial or were under remand subject to investigation. Pretrial detainees were held with convicted criminals. Because of poor record keeping and a lack of communication between prisons and the central government in Sana'a, the size of the prison population could only be roughly estimated.

In some rural and women's prisons, children were held with adults. By custom young children and infants born in prison remained in custody with their mothers. Local NGOs asserted children were held with adults in Sana'a jails. Male and female prisoners were segregated and were subject to similar conditions. Segregation between adults and juveniles was inconsistent. Prisoners had access to potable water. Complaints to judicial authorities could be submitted, but the process was not practicable during the year because of the general breakdown in government services accompanying the political unrest. Prisoners and detainees generally had visitors and were permitted religious observance. Authorities granted limited access to family members of Political Security Office (PSO) prisoners and detainees but routinely denied parliamentarians and NGOs access to investigate human rights violation claims. The PSO argued that those denied access failed to comply with proper notification procedures.

In general, there was no public evidence that authorities investigated credible allegations of inhumane conditions. There was no ombudsman to serve on behalf of prisoners and detainees. There were no known efforts to improve record keeping or

to use alternatives to sentencing for nonviolent offenders. The International Committee of the Red Cross (ICRC) conducted multiple visits to PSO and MOI prisons. However, government officials denied ICRC delegates access to NSB prisons. The ICRC was also granted access to detention facilities maintained by opposition groups.

Opposition groups and military units that defected to the opposition, such as the First Armored Division, maintained detention facilities to which ICRC delegates were granted access. In some instances opposition groups held detainees for alleged criminal violations.

Unauthorized "private" prisons and detention centers in rural areas controlled by tribes continued to operate, holding persons subject to tribal justice. Tribal leaders sometimes misused the prison system by placing "problem" tribesmen in private jails, sometimes simply rooms in a sheikh's house to punish them for noncriminal actions. Persons often were detained in such circumstances for strictly personal or tribal reasons without trial, judicial sentencing, or other fundamental legal safeguards.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but the government often did not observe these prohibitions. Enforcement of the law was inconsistent, particularly in cases involving suspected security offenders and those from the political opposition.

Role of the Police and Security Apparatus.—The primary state security and intelligence-gathering entities, the PSO and the NSB, report directly to the Office of the President. There was no clear definition of many of the NSB's duties, which have evolved from protecting the country from external threats to overlapping with those of the PSO, which is domestically focused and charged with identifying and combating political crimes and acts of sabotage.

The Criminal Investigation Division reports to the MOI and conducted most criminal investigations and arrests. The Central Security Office, also a part of the MOI, maintains a Counter Terrorism Unit and the paramilitary CSF, which was often accused of using excessive force in crowd control situations.

Units under the formal supervision of the Ministry of Defense (MOD) were also employed to quell domestic unrest and to participate in internal armed conflicts. Regular army units were engaged in fighting AQAP and associated groups located in Zinjibar in Abyan Governorate but were not used in domestic law enforcement. However, special units under the MOD, including the Republican Guard, were used to suppress demonstrations and often employed excessive force. The Republican Guard commander, the president's son Ahmed Ali Saleh, also commanded the Yemen Special Operations Forces, which, along with the Counter Terrorism Unit, were deployed during internal armed conflicts in Sana'a and Abyan with domestic counterterrorism and regime-protection functions.

The CSF, Yemen Special Operations Forces, Republican Guards, NSB, and other security organs ostensibly reported to civilian authorities in the ministries of interior and defense and Office of the President. However, members of President Saleh's family controlled these units, often through unofficial channels rather than through the formal command structure. This fact, coupled with a lack of effective mechanisms to investigate and prosecute abuse and corruption, exacerbated the problem of impunity. There were no attempts to reform security forces, which were largely ineffective in preventing or responding to societal violence. The transition agreement implemented on November 23 commits the government to reorganizing the security and armed forces, a process started in December with the creation of a joint Military and Security Committee.

Arrest Procedures and Treatment While in Detention.—The law provides that an individual cannot be arrested unless apprehended in a criminal act or served with a summons and that a detainee must be arraigned within 24 hours or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates a detainee may not be held longer than seven days without a court order. The government frequently did not respect these rights in practice.

There are legal provisions for bail, but some authorities abided by these provisions only if they received a bribe. The law prohibits incommunicado detention and provides detainees the right to inform their families of their arrests and to decline to answer questions without an attorney present, but these rights were not always respected. The law states that the government must provide attorneys for indigent detainees, but in practice it often did not do so. Tribal mediators reportedly settled almost all rural cases without reference to the formal court system.

Citizens regularly claimed security officials did not observe due process when arresting and detaining suspects and demonstrators. Some members of the security

forces continued to arrest or detain persons for varying periods without charge, family notification, or hearings. Detainees were often unclear which investigating agency had arrested them, and the agencies frequently complicated determination by unofficially transferring custody of individuals among agencies. Security forces routinely detained relatives of fugitives as hostages until the suspect was located. Authorities stated they detained relatives only when the relatives obstructed justice. Human rights organizations rejected this claim.

The U.N. Committee Against Torture expressed concern in its 2010 Concluding Observations report about the government holding relatives of alleged wanted criminals.

Although both denied it, the MOI and the PSO operated extrajudicial detention facilities, according to local and international NGO reports. Unauthorized private prisons and detention facilities also existed.

Arbitrary Arrest.—Both government and nongovernmental groups commonly practiced arbitrary arrest. The number of persons arrested in arbitrary circumstances was difficult to estimate, as many detainees' names were not recorded, some detainees were never transferred to official detention centers, and many were arrested and released multiple times during the year. According to the domestic NGO Yemeni Human Rights Organization (HOOD), security forces repeatedly arrested peaceful protesters in Sana'a throughout the year.

Pretrial Detention.—An international monitoring organization estimated that approximately 53 percent of MOI detainees were either charged and awaiting trial or being held while an investigation was pending. Despite the law, prolonged detention without charge—or, if charged, without a public preliminary judicial hearing within a reasonable time—were common practices. Trial delays were caused by judicial inefficiency, corruption, and staff shortages.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but the judiciary was weak and not independent in practice, as corruption and executive branch interference severely hampered its operations. Litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced verdicts. Many judges were poorly trained, and some were closely associated with the ruling party. The government's frequent reluctance to enforce court orders further undermined the integrity and efficiency of the judiciary. Members of the judiciary were threatened and harassed.

Trial Procedures.—Defendants are considered innocent until proven guilty. Trials are generally public, but all courts may conduct closed sessions "for reasons of public security or morals." There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf; defendants and their attorneys have access to government-held evidence relevant to their cases. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. The law provides for the government to furnish attorneys for indigent defendants in serious criminal (felony) cases; in practice counsel was not always provided. All defendants have the right to appeal.

A court of limited jurisdiction considers security cases. A specialized criminal court, the State Security Court, operates under different procedures with nonpublic sessions. However, it was not operational during the year because of persistent unrest. It was first established in 1999 to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a "public danger." This court does not provide defendants with the same rights provided in the regular courts. Defense lawyers reportedly did not have full access to their clients' charges or relevant government-held evidence and court files.

In addition to established courts, there is a system of tribal adjudication for noncriminal issues; in practice tribal judges often adjudicated criminal cases. Persons tried under the tribal system usually had not been formally charged with a crime but had been publicly accused. The results carried the same, if not greater, weight as court judgments, as tribal process was often respected by the public more than a formal court system seen by many as corrupt and lacking independence.

Political Prisoners and Detainees.—There were reports of political prisoners and detainees. The government detained numerous Southern al-Hirak secessionists for their antiregime activities and other demonstration leaders, journalists, persons with alleged connections to the Northern Houthi rebels, and mainstream proreform demonstration leaders for their antiregime activities. Some were held for prolonged periods, while many were released within days. Opposition elements, such as the

First Armored Division, also detained for political reasons persons affiliated with the regime.

Confirmation of the number and assessment of the status of political prisoners or detainees was difficult. The government and opposition elements severely restricted or barred information to and access by local or international humanitarian organizations, detainees were not publicly charged, and often their detentions were short-term. Absent charges, it was difficult to determine whether detainees' actions had gone beyond advocacy and dissent to acts of violence. The government also continued to detain suspects accused of links to terrorism, at times without due process.

In one notable case, a leading organizer of antiregime protests, Tawakul Karman, head of the NGO Women Journalists without Chains, was arrested on January 23 (the day following the first mass demonstrations) in front of her home in Sana'a. After widespread public outcry, she was released the next day without charge. The incident sparked increasing momentum in the growing youth opposition movement. Brief detentions were also used to harass leaders of opposition parties, such as Hassan Zaid, secretary general of the al-Haq Party, who was arrested on July 5. His captors, allegedly from the NSB, released him hours later without comment or charge (see section 3).

According to a local human rights organization, the government arbitrarily imprisoned persons for human rights advocacy. One activist, Walid Sharafuddin, was arrested in 2009 on charges of supporting the Houthis and spying for Iran. His attorney alleged that the PSO tortured him during his detention. Sharafuddin's trial, begun in December 2010, was characterized by serious procedural abuses. At year's end he remained in detention without having received a fair trial.

Civil Judicial Procedures and Remedies.—The law provides a limited ability to pursue civil remedies for human rights violations as tort claims against private persons. There were no reports of such efforts during the year. Citizens cannot sue the government directly, but may petition the public prosecutor to initiate an investigation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such action, but PSO, NSB, and MOI personnel, claiming justification for security reasons, routinely searched homes and private offices, monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters. Human rights organizations claimed security forces undertook such activities without legally issued warrants or judicial supervision. The PSO and MOI rejected these claims. The PSO stated its policies require the attorney general personally to authorize monitoring of telephone calls and reading of personal mail and e-mail. The PSO reported that to do a house search, it first obtains a warrant and a signed certification by an appointed "head of the neighborhood," and two neighbors who serve as witnesses accompany officers on the search. However, human rights organization claimed that these heads of the neighborhood lacked independence and were typically connected to the PSO.

The law prohibits arrests or the serving of a subpoena between sundown and dawn, but persons suspected of crimes were reportedly taken from their homes without warrants in the middle of the night.

No citizen may marry a foreigner without permission from the MOI, under a regulation that was often enforced. The regulation was enforced in response to a form of sex tourism in which significant numbers of foreigners, especially Saudis, married women "temporarily" (as is possible under Islamic law) and then departed the country after a short period of time, leaving the Yemeni spouse without means of support (see section 6, Women). The MOI typically approved marriages to foreigners, if the foreigner provided a letter from his or her embassy stating that the source country had no objection to the marriage.

Security forces routinely detained relatives of fugitives as hostages until the suspect was located. In other cases, detention of family members continued while the families negotiated compensation for the alleged wrongdoing.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—There were several major internal conflicts during the year. The use of excessive force and other abuses by all parties was reported in all conflict areas.

Clashes occurred in the center of the country, near the capital, including in the districts of Arhab and Nihm, not far from the Sana'a airport and near Ta'iz. Participants were government units, including the CSF, Republican Guards, and Yemeni Special Operations Forces, and progovernment tribal proxies. Their opponents were tribal fighters, including tribesmen aligned with the al-Ahmar family in Sana'a and with Sheikh Hamud al-Mikhlafi in Ta'iz, and the First Armored Division after its defection in March.

In the South the army and air force were deployed to combat an insurgency in Abyan Governorate waged by AQAP and affiliated militants, which had taken over the governorate's capital of Zinjibar.

In the North, tribes affiliated with the Shia Houthi movement in the governorates of Sa'ada and al-Jawf engaged in armed conflict with tribesmen affiliated with the conservative Islamic and tribal opposition party, al-Islah, as well as Salafist groups.

Killings.—The conflict in the South between opposition and government forces and their proxies in Sana'a and Ta'iz took place in heavily populated urban areas. Although casualty estimates were difficult to verify, one local organization affiliated with the opposition estimated 1,000 dead as a result of the clashes. The government used heavy machine guns, rocket-propelled grenades, mortars, artillery, and tanks in an indiscriminate manner, resulting in hundreds of noncombatant deaths. Opposition tribesmen and military units that had defected similarly used excessive force, resulting in a substantial number of deaths. Republican Guard forces under the command of Brigadier General Murad al-Awbali, in coordination with the local head of security, Abdullah Qairan, intentionally shelled nonmilitary targets in Ta'iz, including demonstration sites and the offices of opposition parties and affiliated NGOs, resulting in deaths and substantial property damage. Such shelling occurred repeatedly during the year, including an incident on November 11 in which government shelling reportedly killed 15 civilians. Many opposition casualties were brought to al-Rawda Hospital before it, too, was shelled, forcing the hospital's evacuation.

The government also employed air strikes against rebellious tribes in Nihm and Arhab. Human rights observers and local residents accused the government of targeting villages of these tribesmen in both areas with aerial bombardment, leading to significant noncombatant casualties. The government also employed air strikes against AQAP and affiliated insurgents in Abyan, with some strikes hitting civilian areas. Although some accused the government of intentionally striking civilians in Abyan, most if not all noncombatant casualties from these bombardments were attributed to a lack of air force training and technical capability.

Terrorist activity attributed to AQAP continued throughout the year. AQAP targeted civilians in Zinjibar, Aden, and the northern governorates of al-Jawf and Sa'ada, resulting in numerous civilian casualties. Although a tentative ceasefire between the government and Houthis led to a decrease in violence in the northern governorates, clashes persisted during the year between Houthis and Salafists.

Abductions.—Opposition tribal elements, particularly those associated with Sadiq and Hamid al-Ahmar, and the breakaway First Armored Division commanded by Ali Muhsin al-Ahmar, abducted government loyalists to enhance their negotiating positions. For example, First Armored Division soldiers held President Saleh's interpreter, Mohammad Sudam, and the son of the governor of Ta'iz, member of parliament Sudam al-Sufi, before releasing them in a prisoner exchange with the government. Opposition activists were also reportedly abducted by pro-Saleh civilians and government forces during armed conflict and held for short periods.

Child Soldiers.—Although law and policy expressly forbid the practice, persons under 18 directly participated in armed conflict during the year, on behalf of government, tribes, and opposition forces. During the year young armed personnel were observed in the ranks of the CSF, Republican Guard, and the opposition First Armored Division. Their precise ages could not be verified. The number of young soldiers appeared to increase during the year as pro- and antigovernment military units recruited tribesmen directly into their ranks.

Tribal members under 18 years of age routinely fought as part of tribal opposition or government proxies. Tribal child soldiers were not forcibly recruited. Carrying arms is a central component of identity and adulthood in tribal society and is expected of all tribesmen as young as age 12. Combatants as young as 13 reportedly engaged in conflict for both the opposition and government tribal proxies. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/j/tip.

Other Conflict-Related Abuses.—Medical facilities were also targets. On May 29, the Republican Guard reportedly raided a medical facility in Ta'iz and evicted civilian patients during its attack on demonstrators. Opposition activists accused the government of conducting the raid to intentionally deny medical treatment to activists injured during the assault. During the September 18 clashes in Sana'a, both the opposition and government positioned snipers in the Republican Hospital. On November 11, government forces also shelled Al Rawda Hospital in Ta'iz, in which opposition casualties were seeking treatment.

The opposition First Armored Division reportedly used noncombatant and unarmed opposition demonstrators to provide cover for combatant advances in Sana'a.

Figures associated with First Armored Division commander Ali Muhsin al-Ahmar reportedly encouraged demonstrators to march towards government forces deployed on government "redlines" in Sana'a to provoke a response, enabling the First Armored Division to expand its area of control under the guise of protecting demonstrators from government attacks. The most significant such incident took place on September 18 in central Sana'a, when youth activists marched to an intersection near the office of Ahmed Saleh, the president's son and head of the Republican Guard. Security forces, including the CSF, reacted with excessive force, killing dozens of protesters with live fire. The First Armored Division counterattacked, escalating the incident into a force-on-force clash, and expanded its area of control.

The government deliberately obstructed food and medical assistance to internally displaced persons (IDPs) in Houthi-held areas of Sa'ada Governorate during a six-year conflict prior to a February 2010 ceasefire and did so again after the Houthis joined the opposition and took control of Sa'ada Governorate in March. Clashes spread to neighboring Al-Jawf Governorate in July with hostilities continuing in both governorates into the fall. Houthi rebels obstructed the delivery of humanitarian assistance, allowing delivery of goods and services only under strict Houthi control. The government reportedly countered these allegations by claiming that relief convoys with humanitarian assistance did not deliver the aid because the Houthi rebels looted the convoys.

A particularly difficult situation arose in the town of Damaj, a few miles outside of Sa'ada. Zaidi-Shia Houthis who controlled Sa'ada Govenorate after March, had a long-standing, low-level conflict with Sunni Salafists, who run an intellectual center in Damaj's Dar al-Hadith religious school - commonly referred to as the Damaj Institute - a leading center of Salafist learning and home to an estimated 10,000 Salafist students and their family members. In October the Houthis imposed a blockade on the town and obstructed the delivery of food and medicine, claiming that the thwarted deliveries contained weapons. The Houthis demanded that the Salafists in Damaj give up their weapons and expel the estimated thousands of non-Yemeni students studying at the Damaj Institute. In the weeks following the siege, fighting in and around Damaj led to dozens of deaths and injuries on both sides. On December 2, ICRC-supplied food aid was allowed to enter Damaj, but obstacles to the delivery of humanitarian assistance continued at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press "within the limits of the law"; however, the government did not fully respect these rights in practice.

Freedom of Speech.—The government attempted to impede criticism, such as by monitoring Friday sermons at mosques. In one incident, one week after a prominent imam at Al-Fardos Mosque in Sana'a criticized President Saleh, government officials unsuccessfully attempted to replace him with a new imam. On October 23, government media accused the same imam of firing a missile that killed a child in a residential neighborhood in north Sana'a. Similarly, some clerics who spoke in favor of the president were assaulted, as reported by the OHCHR delegation.

Freedom of Press.—The government limited press freedom, including by confiscating copies of newspapers, harassing journalists, and banning media outlets. The 1990 Press and Publication Law criminalizes criticism of the "person of the head of state," although not necessarily "constructive" criticism; the publication of "false information" that may spread "chaos and confusion in the country"; and "false stories intended to damage Arab and friendly countries or their relations" with the country. The press law specifies newspapers and magazines must apply annually to the government for licensing renewal and must show continuing evidence of 700,000 riyals ($3,286) in operating capital. There were reports that authorities made the registration process bureaucratically difficult for opposition figures or organizations, while progovernment newspapers received licenses quickly.

Opposition groups also participated in inhibiting freedom of the press. On October 20, a soldier in the opposition First Armored Division opened fire on Jamal Ezz al-Deen, a correspondent for Qatar TV covering the opposition protests.

Violence and Harassment.—Journalists were subjected to arrest and imprisonment, physical attack, intimidation, and deportation by the government due to their reporting. Three journalists were killed since the protests started. On March 18, Jamal Al-Sharabi, a photographer for Al-Masdar, and Mohamed Yahia Al-Malayia, a correspondent for Al-Salam, were killed when gunmen identified as government-linked opened fire on a peaceful demonstration outside the university in Change Square in Sana'a (see section 1.a.). On September 24, Al-Hurra TV cameraman Has-

san al-Wadhaf died from an injury sustained when men in civilian clothing fired on an antigovernment demonstration he was filming.

Throughout the year human rights activists and journalists reported receiving repeated threatening telephone calls day and night. Activists and journalists considered these calls to be attempts by authorities to intimidate them from speaking out about southern political discontent and dissatisfaction with the Saleh regime. For example, opposition activist and 2011 Nobel laureate Tawakul Karman repeatedly received threats of kidnapping and violence directed at her, her husband, and her children.

Buildings belonging to media outlets, both pro- and antigovernment, were subject to attack throughout the year. On May 24, opposition forces shelled the building housing the government's Saba News Agency, which was later destroyed by fire. On May 25, government forces shelled a building belonging to opposition Suhail TV; they shelled it again on October 15.

The government selected items for news broadcasts and rarely permitted broadcasts critical of the government. The government televised parliamentary debates and occasionally permitted broadcasts including aggressive criticism of ministries. On March 24, government authorities ordered Al-Jazeera television's office closed and its journalists' accreditation withdrawn. Deputy Information Minister Abdo al-Janadi stated that Al-Jazeera's coverage "incites revolutions." Al-Jazeera continued to operate in Yemen, but, because of a lack of accreditation, reporters were not free to move around the country or throughout Sana'a or Ta'iz, where they were located at the end of the year.

Censorship or Content Restrictions.—Unlike in 2010 the government did not censor media content prior to publication. Nonetheless, journalists and publishers self-censored political and socially sensitive items in an effort to avoid harassment, and other problems with the government, as well as self-censored socially problematic items such as women's rights.

The Ministry of Information influenced the media through control of printing presses, subsidies to newspapers, and government ownership of the country's television and radio outlets, although two private Yemeni satellite television stations based outside the country were also popular. The government's control of most printing presses caused independent and opposition press that used government presses, such as independent Al-Masdar, to exercise self-censorship.

The security apparatus, including the NSB and military units, threatened and harassed journalists to influence media coverage. The government denied that the media were subject to censorship by any security apparatus.

The government penalized those who published items contrary to government guidelines by regularly confiscating copies of newspapers and magazines, usually at checkpoints. Seizures prevented independent and opposition print media from reaching areas outside the cities in which they were printed. Several small newspapers ceased publication because of financial difficulties stemming from confiscation of their papers, including Al-Masdar, Al-Dyar, and Al-Nida. On May 19, authorities at a checkpoint confiscated 12,000 copies of Al-Oula newspaper.

At times customs officials confiscated foreign publications they regarded as pornographic or objectionable due to religious or political content. During the year there were reports that authorities monitored foreign publications and banned those deemed harmful to national interests.

The government required book authors to obtain certification from the Ministry of Culture for publication and to submit copies to the ministry. Publishers sometimes refused to deal with an author who had not obtained certification. The ministry approved most books, but long delays were frequent. Both the ministry and the PSO monitored and sometimes removed books from stores. A ban continued on publishers distributing books that espoused Zaydi Shia Islamic doctrine or were deemed pornographic.

Internet Freedom.—The government restricted Internet use by intermittently blocking access to some political and religious Web sites. There were credible reports that the government monitored e-mail and Internet chat rooms, especially those related to planned demonstrations, but social media versatility outpaced the government's surveillance capacity. Government blocks were easily bypassed, while social media sites such as Twitter used by opposition groups were not blocked at all. Although access to the Internet was limited by scarcity of electric power, social media sites successfully advertised marches.

During the year the government reportedly blocked for extended periods a number of independent and opposition news Web sites, such as Yemenat.net, alEshteraki.net, YemenPortal.net, and Mareb Press, as well as the Web site of inde-

pendent newspaper Al-Masdar. It also allegedly blocked and changed content on independent Web site YemenOnline.

Physical attacks against Internet journalists continued, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance. Fuad Rashed, editor of opposition news Web site Mukalla Press, was arrested in Mukalla in Hadramaut Governorate on January 10. He was freed after 11 days.

The government limited the Internet content its citizens could access through commercially available filtering technology and control of its two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet, via the Ministry of Telecommunications and Information Technology. Human rights organizations and other NGOs reported the government restricted what journalists wrote and how citizens used the Internet through a variety of intimidation tactics.

Academic Freedom and Cultural Events.—The government restricted academic freedom, nominally to prevent the politicization of university campuses. Political parties frequently attempted to influence academic appointments as well as university faculty and student elections. During the year security officials were present on university campuses and at intellectual forums. PSO representatives had permanent offices on the campuses. Authorities reviewed prospective university professors and administrators for political acceptability before hiring them and commonly showed favoritism toward supporters of the ruling General People's Congress (GPC) party.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, although it requires a permit for demonstrations. After the "Arab Spring" protests began in Yemen in late January, the government increased in practice the already substantial limitations on this right. The government banned and disrupted demonstrations, in many cases resorting to excessive force (see section 1.a.). The government also used nonlethal means to suppress demonstrations, but often moved quickly to aggressive tactics, such as the use of water cannons and tear gas. The government continued to use expired tear gas as well as CN gas, despite receiving credible reports of serious medical complications. According to the U.N., government security services also reportedly used water cannons with contaminated water in Sana'a, Ta'iz, and Aden.

In the first three months of the year, the southern secessionist Al-Hirak, a diffuse protest movement spread across the southern governorates, largely continued demonstrations, as it had since 2007, calling for secession of the region (previously the People's Democratic Republic of Yemen) from the central government in Sana'a. From March onward, Al-Hirak protesters adopted rhetoric similar to that of antiregime demonstrators throughout the country.

Early in the year, the government conducted mass arrest campaigns before and during southern protest movement demonstrations. The government claimed that it was responding to violent acts on the part of some demonstrators. The Al-Hirak demonstrations were met with excessive force, particularly in Aden during the tenure of Abdullah Qairan as chief of security in Aden. Demonstrations and clashes with government security services subsided in March, following Qairan's removal from his post.

Freedom of Association.—The law provides for freedom of association, and while the government nominally respected this right in practice, the ruling party retained control of professional associations through subsidies and by influencing internal elections. Associations and NGOs operated openly, but with some governmental restrictions (see section 5). The government cooperated to varying degrees depending on the issues with the country's more than 6,000 civil society organizations, including human rights NGOs, and generally facilitated the work of those that were nonpolitical or were allied with the ruling party.

c. Freedom of Religion.—See the Department of State's International Religious Freedom Report at http://www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, with some restrictions. The government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Although, according to the UNHRC, the country's laws and policies were consistent with international standards, the government's capacity to protect and assist persons in need was limited. The UNHRC country operations profile noted that as of August, public services in most parts of the country had "ceased to function."

In-Country Movement.—The government also at times restricted domestic travel by refusing to issue travel permits to conflict areas, and the army, security forces, and nongovernment tribesmen maintained checkpoints on major roads. Societal discrimination severely restricted women's freedom of movement. Women did not enjoy freedom of movement, although recent protest movements expanded exercise of these rights in practice. One local study suggested that as many as one in four women suffered from several restrictions upon their mobility, which some observers believe may be attributable to inwardness and village-centric social norms that put pressure on anyone from leaving, as well as to gender-specific restrictions. During the year authorities reportedly turned back several women at the airport because they did not have the permission of a male relative. Security officials at government checkpoints often required immigrants and refugees traveling within the country to show they possessed resident status or refugee identification cards. There were reports that at times local officials did not honor official documents. In many areas, especially in the northern areas affected by the Houthi rebels, armed tribesmen frequently restricted freedom of movement, operating their own checkpoints, sometimes with military or other security officials, and often subjecting travelers to physical harassment, extortion, theft, or short-term kidnappings for ransom.

Foreign Travel.—The law requires women to have permission of a husband or male relative before applying for a passport or leaving the country. A husband or male relative could bar a woman from leaving the country, and authorities strictly enforced this requirement when women traveled with children. The government limited the movement of foreign tourists and other foreigners, who were required to obtain exit visas before leaving the country.

Internally Displaced Persons (IDPs).—Within its very limited capacity, the government provided protection and assistance to IDPs, mainly by facilitating international groups' humanitarian efforts within the limits drawn by assessment of the local security situation. While effects of the fragmented political system through most of the year reduced attention and resources for IDPs, the government still aimed to promote IDPs' safe, voluntary return or local integration through laws and policies in accordance with the U.N. Guiding Principles on Internal Displacement.

According to the UNHRC and the U.N. Office for the Coordination of Humanitarian Affairs, there were more than 463,000 IDPs in Yemen at the end of the year, all of whom were displaced by internal armed conflicts. Approximately 75 percent were in the Sa'ada and Hajja governorates in the North related to the long-running government-Houthi conflict. More than 150,000 persons became newly displaced during the year, according to the UNHRC.

As the year began, displacement had stabilized in the North since a February 2010 ceasefire after six years of fighting between the government and Houthi rebels in the northern Sa'ada Governorate. However, as clashes increased in the early months of the year between the opposition and the government, Houthi rebels gained de facto control of Sa'ada Governorate, where the government retained no authority at year's end.

In the North humanitarian organizations' access to IDPs varied by region and remained problematic through year's end because of the poor security situation. Inaccessibility prevented humanitarian assistance from reaching IDPs in certain districts of Al Jawf and Amran governorates. At times both the government and Houthi rebels limited access to the region, preventing food, medical supplies, and other assistance from reaching IDPs. In contrast with prior years, however, humanitarian agencies were able to access most parts of Sa'ada Governorate, although with significant limitations imposed by Houthi rebels.

In the South the conflict in Abyan Governorate between the government and AQAP and affiliated militants led to an increase in IDPs. Inaccessibility due to poor security prevented humanitarian assistance from reaching some parts of Abyan, Lahj, and Shabwah governorates.

Although some IDPs lived in official camps, most took shelter in scattered settlements, including with host families and relatives in communities, under trees and bridges, and in school buildings. Journalists reported many IDPs were starving and lacked basic requirements such as clean water, food, medicine, and sanitation systems. Surveys completed by the World Food Program and other international organizations throughout the country found elevated rates of acute malnutrition among displaced and other vulnerable children.

Protection of Refugees.—Access to Asylum.—There is no law addressing the granting of refugee status or asylum, and the government has not established a system for providing protection to refugees. The government has no ability to conduct refugee status determinations on its own. The government continued to grant prima facie refugee status to Somalis who arrived in the country after 1991. Of the

UNHRC-estimated 211,000 refugees in October 2011, approximately 95 percent were Somalis. The UNHRC conducts individual refugee status determinations; however, the government did not consistently allow the UNHRC to perform determinations for non-Somalis whom they considered economic migrants.

Nonrefoulement.—Ethiopians made up the majority of new arrivals in Yemen in 2011. Of approximately 85,000 migrants and asylum seekers recorded making the journey across the Gulf of Aden through October, approximately two-thirds were Ethiopian. Ethiopian and Eritrean asylum seekers were detained, generally without UNHRC access, and deported as economic migrants.

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

The law provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage, but the exercise of this right was limited in practice. The most recent elections, the 2006 presidential and local elections, were not generally considered free and fair.

Elections and Political Participation.—Recent Elections.—Parliamentary elections scheduled for April 2009 were postponed for two years in an agreement the ruling GPC Party and the coalition of six opposition parties, the Joint Meeting Parties (JMP), signed in February 2009 after the two sides failed to agree on electoral reform. Following the outbreak of widespread opposition demonstrations in January, the JMP joined in calling for President Saleh's immediate removal from power. The parliamentary elections scheduled for April were not held, causing the parliament's constitutional mandate to expire. After April the parliament failed to attain a quorum until December 10, following President Saleh's November 23 endorsement of an international transition agreement.

Ali Abdullah Saleh won a seven-year term in the 2006 election, the country's second nationwide direct presidential race, securing 77 percent of the votes. International and local observers widely viewed the Supreme Commission for Elections and Referenda (SCER), which administers and monitors elections, as biased towards the ruling GPC. In response to growing opposition agitation, President Saleh replaced the SCER's membership with ostensibly nonpartisan judges in January.

International NGOs and the EU observer mission characterized the 2006 election positively relative to prior elections, but the EU mission noted that the GPC had an unfair electoral advantage because the state put significant resources at the disposal of GPC candidates for their campaigns.

As reported by NGOs, poorly trained administrative staff, registration of a large number of underage and dead voters, and interference by security officials marred the 2006 voter registration process. The JMP boycotted the registration process due to allegations of SCER bias. The SCER therefore recruited voter registration staff on short notice and without meaningful training.

Opposition parties or local constituencies never received a searchable electronic copy of the registration list to enable them to verify voter lists before the election. There were reports the SCER mistakenly removed eligible voters from lists in several constituencies. Many constituencies were redistricted a month before the election with new boundaries widely viewed as favoring the ruling party.

Political Parties.—The law mandates that political parties be national organizations that cannot restrict their membership to a particular region, tribe, religious sect, class, or profession. Although there were instances of government harassment of opposition party officials such as the secretary-general of the al-Haq Party, political parties for the most part operated without restriction or outside interference. The constitution prohibits the establishment of parties that are contrary to Islam, "oppose the goals of the country's revolutions," or violate the country's international commitments.

The ruling GPC has been the dominant party since unification. Tribalism distorted political participation and influenced the central government's composition. Observers noted individuals often were selected to run for office or given jobs in particular ministries based on tribal affiliation. Patriarchal systems dominated in tribal areas, so that some tribal leaders reportedly were able to influence tribal members' votes.

Although there were no formal restrictions limiting opposition participation, the government made it difficult for some parties to organize. At year's end the government continued to hold substantial assets of the former ruling party in South Yemen, the opposition Yemeni Socialist Party, including land and buildings seized after the 1994 civil war.

In 2007 the government announced the dissolution of the al-Haq Party for having reportedly violated the law on political parties, although the party continued to op-

erate without government sanction. Civil society observers claimed the government abolished the party because of its affiliation with the Houthi rebels and for its appeal to Zaydi Shia. The leader of the al-Haq Party, Hassan Zaid, claimed that he received death threats and was harassed by government officials, including an incident on July 5 when alleged NSB officers detained him (see section 1.d.).

Participation of Women and Minorities.—Women voted and held office, but societal discrimination limited their exercise of these rights, and largely excluded women from any meaningful participation in formal political decision-making. However, women became increasingly active politically during the Arab Spring. There was one woman in the 301-seat parliament. There were two women in the cabinet at the beginning of the year, the minister of human rights and the minister of social affairs and labor, although the minister of human rights, Huda al-Ban, resigned, protesting the March 18 violence against demonstrators by the government. Following the December 10 formation of the 35-member National Consensus Government, there were three women ministers: the minister of social affairs and labor, the minister of state of cabinet affairs, and a new minister of human rights, Huria Mashour. In the 2006 elections, 164 women competed in local and provincial council elections, and 38 won seats. Women's rights activists and female parliamentary candidates accused the ruling party and authorities of rigging the 2006 elections against women.

Women, such as 2011 Nobel Laureate Tawakul Karman, a leading organizer of youth demonstrations, played an increasingly important role in opposition movements. The opposition movement—independent of the formal opposition parties—formed leadership committees and councils that had membership quotas for women to promote participation. Similarly, the National Council, an umbrella group with independent oppositionists as well as leaders of the opposition parties, reserved a portion of its membership and leadership positions for women. Women participated robustly and visibly in demonstrations in major cities throughout the country. They marched alongside men and maintained a constant presence at opposition sit-in sites nationwide, often sleeping overnight in tents in the protest "squares."

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. According to Article 136 of the constitution, a criminal investigation may not be conducted on a deputy minister or official of higher rank without first securing a one-fifth approval vote in parliament. Subsequently, it requires a two-thirds parliamentary vote and presidential permission to bring the results of a criminal investigation to the general prosecutor for indictment, which in essence creates a separate legal system for the political elite. The procedure was not used during the year and was infrequently employed in prior years.

Analyses by impartial international observers reinforced the validity of the common perception within and outside the country that there was a serious corruption problem in every branch and level of government. International observers presumed that government officials and parliamentarians benefited from insider arrangements, embezzlement, and bribes. Political leaders and governmental agencies took negligible action to combat corruption.

Corruption and impunity were serious problems throughout the military-security establishment and intelligence bureaucracy. There were no public governmental investigations of corruption in these areas during the year. Some police stations reportedly maintained an internal affairs section to investigate security force abuses, and citizens had the right to file complaints with the Prosecutor's Office. Enforcement of this right was inconsistent, and there were no effective investigations reported. The Ministry of Interior had a fax line for citizens to file claims of abuse for investigation. There was no available information on how many fax complaints were received or investigated.

Government procurement was regularly affected by corruption. Between September 2009 and January, the High Tender Board (HTB), created in 2007 to monitor government procurement, reviewed legal compliance of 103 government tenders up to 213 million riyals (one million dollars). The HTB found 21 cases noncompliant. Its findings were publicly available.

The Central Organization for Control and Audit (COCA) is the national auditing agency for public expenditures and investigative body for corruption. COCA presented its reports to parliament but did not make them publicly available. The president appointed its top officials. In cases involving high-level officials, COCA submitted reports directly to the president, who had the power to veto them. Only low-ranking officials have been prosecuted for corruption since COCA's inception in

1999. The actual extent of corruption was generally considered significantly greater than what was reported confidentially to parliament.

The culture of corruption was pervasive, and petty corruption was widely reported in nearly every government office. Job candidates often were expected to purchase their positions. Tax inspectors were believed to undervalue assessments and pocket the difference. Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

The independent Supreme National Authority for Combating Corruption (SNACC) was formed to receive complaints and develop programs to raise awareness of corruption, and includes a council of government, civil society, and private sector representatives. Members manage publicity campaigns in sectors such as media, criminal investigations, and contracts as part of a national strategy for combating corruption.

During the year the SNACC considered 241 complaints, of which 107 were referred to other jurisdictions and 76 were under investigation. Nine SNACC-referred cases remained under investigation in the Attorney General's Office and 10 were pending in court. Sentences were handed down in six SNACC-originated cases. The SNACC received 10 cases of failure of public officials to file asset declarations; none were referred to the Attorney General's Office.

Yemen Parliamentarians Against Corruption (Yemen PAC), the local branch of Arab PAC, is part of a network of parliamentarians organized to combat corruption. It was founded in 2006 to stimulate legislative branch action to fight corruption. Without any legal mandate, Yemen PAC monitored the activities of anticorruption institutions like the SNACC and provided limited, unofficial oversight for their activities. It also attempted to push anticorruption laws through parliament. As part of a transitional National Consensus Government, Yemen PAC's head Sakher Wajeeya was sworn in as minister of finance on December 10.

The press and publications law provides for journalists to have some access to government reports and information; in practice the government offered few procedures that could ensure transparency. The law requires public disclosure of government officials' assets, and the government provided limited information via the Internet.

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

Domestic and international human rights groups operated with varying degrees of government restriction. Groups investigated human rights cases with little constraint and published their findings in international, regional, and local media. However, they reported that government officials were frequently uncooperative and unresponsive to their views and requests for information.

The law regulates associations and foundations and outlines the establishment and activities of NGOs. The law exempts NGOs from taxes and tariffs and requires the government to provide a reason for denying an NGO registration, for example, if it perceives an NGO's activities as "detrimental" to the state. Registration is required on an annual basis. The law also forbids NGOs from being involved in political or religious activities. The law permits some foreign funding of NGOs and requires government observation of NGO internal elections.

In April the law governing associations and foundations was amended to provide for additional restrictions on the ability of international NGOs to operate, including approval requirements and oversight by the Ministry of Planning and International Cooperation. However, parliament's term had expired, and the president disbanded the cabinet, although it continued operating in a "caretaker" status until the National Consensus Government's cabinet was formed on December 10. In these circumstances the government did not attempt to enforce the new amendments.

Although limited by the turbulent political and security situation, domestic human rights NGOs continued to operate throughout the year. The government met with and responded to them to varying degrees, often arbitrarily. The operational landscape for human rights related-NGOs was complex, as the government provided stipends and registration approval to all NGOs. However, the government reportedly denied or delayed annual registration and subsidies of some NGOs critical of the government. In addition, the government used arbitrary detention to intimidate NGOs and media outlets critical of the government. Security services detained the director of the human rights NGO HOOD on multiple occasions during the year. Reportedly, progovernment NGOs received support from the ruling party and the government, while others received support from opposition political parties. Still others maintained neutrality and accepted no funding from political parties.

Some NGOs limited their activities to avoid government attention. The government requires NGOs to register annually or be declared illegal, but NGOs that were

not granted licenses nevertheless continued to operate. In some instances the government reportedly registered progovernment "clone" versions of an NGO, recognizing the clone as the legitimate NGO, thereby preventing the original NGO from renewing its registration under its original name. In such cases registration applications had to be resubmitted under a new name. The government reportedly used financial reviews as a pretext to harass or close NGOs

Due to the civil unrest, the government at times limited access by international human rights organizations, usually citing security concerns, although the government cooperated with the OHCHR delegation during its June 28-July 6 visit. AI, Human Rights Watch, an EU parliamentary delegation, and the international NGO Committee to Protect Journalists received limited access to records, information on detention centers, and prisons in order to publish articles and reports on various Web sites.

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

The law provides for equal rights and equal opportunity for all citizens; however, the government did not consistently enforce the law. Discrimination based on race, gender, and disability remained serious problems. One group, the marginalized Akhdam community, faced societal discrimination based on social status. Societal discrimination severely limited women's ability to exercise equal rights.

Women.—Rape and Domestic Violence.—The law criminalizes rape, although spousal rape is not criminalized because a woman may not refuse sexual relations with her husband. The government did not effectively enforce the law. The punishment for rape is imprisonment for up to 15 years; however, the maximum sentence was not imposed. There were no reliable statistics on the number of rapes.

Most rape victims did not report the crime for fear of "shaming" the family and incurring violent retaliation. Rape victims were reportedly prosecuted on charges of fornication after the perpetrator was not charged. According to the law, without a confession the defense must provide four female or two male witnesses to the crime. Flagrant corruption often hindered investigations.

The law provides women with protection against domestic violence under the general rubric of protecting persons against violence, but it was ineffectively enforced. Although spousal abuse occurred, it generally was undocumented. Courts were largely viewed as corrupt, while tribal customary law was seen to be more effective and more likely to present a better outcome for women complainants, because violence against women and children was considered a family affair and usually went unreported to police. Due to social pressures, an abused woman was expected to take her complaint to a male relative (rather than to authorities) to intercede on her behalf or provide sanctuary.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana'a, but the large majority of Yemenis live in rural areas without such access.

The media and women's rights activists continued to investigate and report on violations of women's rights. During the year NGOs sponsored several women's rights conferences dealing with matters such as violence against women, increasing the political representation of women, and economic empowerment. The Ministry of Information broadcast programs on official television and radio stations promoting women's rights but avoided sensitive women's rights' topics such as forced marriage and illiteracy.

Harmful Traditional Practices.—The penal code allows leniency for persons guilty of committing an honor crime, violent assault, or killing committed against women for perceived "immodest" or "defiant" behavior. The law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, and forced early marriage. The law regarding violence against women states a man should be executed if convicted of killing a woman. However, a husband who kills his wife and her lover may receive a substantially reduced sentence. Criminal sanction for spousal violence was rare. Like all murders and serious crimes, violence against women was usually handled through the tribal arbitration process rather than through the criminal courts. Local female tribal experts have argued that tribal arbitration is fairer for women, and was often preferred to the courts for that reason.

The law prohibits FGM, but, according to a 2009 U.N. estimate, its prevalence was approximately 20 percent for girls. It was pervasive in the coastal areas, where it was perpetrated on infants less than 40 days old. Although government health workers and officials discouraged the practice, women's groups reported FGM rates as high as 90 percent in some coastal areas, such as Mahara and Hudeidah. The Women's National Committee and the Ministry of Endowments and Religious Guidance provided a manual for religious leaders on women's health issues, including the negative health consequences of FGM.

Sexual Harassment.—The extent, as well as a legal definition within the local context, of sexual harassment was difficult to determine, although direct observation and very infrequent media reports suggested it occurred both in the workplace and in the streets. No specific laws prohibit sexual harassment. There were anecdotal reports of men accused of sexual harassment being transferred to other offices to prevent further incidents. Regime elements targeted female protesters and accused them of being "unfeminine" and "un-Islamic."

Sex Tourism.—No laws specifically address sex tourism from outside the country, but it was a problem, particularly in Aden and Sana'a. Reportedly, some elements of the MOI and PSO reporting to the president unofficially facilitated it through corruption for financial gain, although the MOI attempted to stop the use of "temporary marriage" provisions of Islamic law as a vehicle for sex tourism (see section 1.f.).

Reproductive Rights.—There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of children. However, societal pressure, women's lack of education, and the young age of marriage for many women and girls meant that many women in reality had little to no control over reproduction. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. It was technically illegal for single women to access contraception, but if a particular contraceptive (such as the pill) has another medical use, it can be used. The information and means to make those decisions were freely available in cities, although contraception, obstetric care, and postpartum care were too costly for much of the population. Most women gave birth at home without skilled attendance and did not see a doctor during their pregnancies or after delivery. According to the latest available U.N. statistics, there were approximately 210 maternal deaths per 100,000 live births in the country in 2008. Information was not available regarding women's equal diagnosis and treatment of sexually transmitted infections.

Discrimination.—Women do not enjoy the same legal status as men under family law, property law, inheritance law, and in the judicial system. They experienced discrimination in such areas as employment, credit, pay, owning or managing businesses, education, and housing. This discrimination was accentuated by the 65 percent female illiteracy rate.

Women faced discrimination under family law and inheritance law. Courts awarded custody of children to the divorced husband or the deceased husband's family when they attained a specified age (seven years for boys and nine years for girls). In numerous cases former husbands prevented divorced noncitizen women from visiting their children. Under Sharia inheritance laws, which assumes women will receive support from their husbands, daughters receive half the inheritance awarded to their brothers.

Women also faced discrimination in courts, where the testimony of one man equals that of two women. Sharia discriminates against women in calculating accidental death or injury compensation; women receive 50 percent of what men receive. Female parties in court proceedings such as divorce and family law cases normally deputized male relatives to speak on their behalf; however, they have the option to speak for themselves.

A husband may divorce a wife without justifying the action in court. Under the formal court system, a woman must provide a justification. However, under tribal customary law, a woman has the right to divorce without justification.

Some interpretations of Sharia in the country prohibit a Muslim woman from marrying a non-Muslim man, although other interpretations permit marrying a Christian or Jewish man. A Muslim man is allowed to marry a non-Muslim woman. Women may only confer citizenship on their foreign-born spouses after the foreigner has resided in the country for 15 years. The foreign wife of a male citizen must remain in the country for two years to obtain a residency permit.

Any citizen who wishes to marry a foreigner must obtain the permission of the Ministry of Interior. A woman wishing to marry a foreigner must present proof of her parents' approval. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior." A close male relative has the authority to approve a female citizen's travel (see section 2.d.).

Women experienced economic discrimination. The law stipulates women are equal to men in employment rights, but women's rights activists and NGOs reported that discrimination was a common practice in the public and private sectors. Women's unemployment rate was nearly four times that of men, women's wages were on average one-fifth those of men, and women were largely excluded from the professions.

Cultural barriers also restricted the exercise of women's property rights. In most rural areas, social norms largely prevented women from owning land. Cultural barriers also restricted women's access to formal credit.

Governmental mechanisms to enforce equal protection were weak or nonexistent. According to the Ministry of Social and Labor Affairs (MSAL), more than 170 NGOs worked for women's advancement. The Arab Sisters Forum for Human Rights worked with other NGOs, the government, and donor countries to strengthen women's political participation. The Yemeni Women's Union and Women's National Committee conducted workshops on women's rights. The Arab Sisters Forum, with funding from a donor government and in cooperation with the MSAL, established projects aimed at providing protection against violence for women and children.

Children.—Birth Registration.—Citizenship is derived from one's parents. A child of a Yemeni father is a citizen. Women may confer citizenship on children born of a foreign-born father if the child is born in Yemen. Women do not have the right to confer citizenship on their foreign-born spouses. Although the Ministry of Interior may permit a woman to confer citizenship on a child of a foreign-born father if the child was born abroad and the father died or abandoned the child, such citizenship was rarely granted.

There was no universal birth registration, and many children, especially in rural areas, were never registered or were registered several years after birth. The requirement that children must have birth certificates to register for school was not universally enforced. There were no other reports of services being denied to children based on lack of registration. The lack of birth registration compounded difficulties in proving age, which led to minors being recruited into the military, and juveniles being tried and sentenced as adults, including receiving the death penalty.

Education.—The law provides for universal, compulsory, and tuition-free education from age six to 15. Public schooling was available to children through the secondary school level. Although attendance was mandatory through the ninth grade, only 79 percent of boys and 66 percent of girls attended primary school. The gender gap was larger for secondary and postsecondary schooling, with 21 percent of girls attending secondary school and only 6 percent going on to postsecondary education.

Medical Care.—Due to societal discrimination, male children received preferential medical treatment.

Child Abuse.—The law does not define or prohibit child abuse, and there was no reliable data on its extent.

Child Marriage.—There was no minimum age of marriage, and girls were married as young as eight years of age. The law has a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. According to a 2009 MSAL study, a quarter of all girls were married before they were 15 years old. The problem of child marriage was politically contentious, and, according to the ministry, the government did not promote public awareness campaigns on the negative effects of child marriage A 2009 law setting the minimum age for marriage at age 17 was repealed in 2010 due to pressure from traditional elements of society.

Sexual Exploitation of Children.—No law defines statutory rape, and no legal limits are placed on the age for consensual sex. The law prohibits pornography, including child pornography. There were reports that underage girls were coerced into prostitution in major cities, particularly in Aden and Sana'a. The practice of foreigners visiting the country to enter short-term marriages with underage Yemeni girls was also reported.

Child Soldiers.—Reports of child soldiers increased in a number of armed conflicts across the country (see section 1.g.). The use of child soldiers is forbidden by law, and the government opposed the practice as a matter of policy. However, tribes the government armed and financed to fight alongside the regular army used children in combat, according to reports by international NGOs such as Save the Children.

Married boys, ages 12 to 15 years, were reportedly involved in armed conflicts in the northern tribal areas. According to tribal custom, boys who married were considered adults who owed allegiance to the tribe. As a result half of the tribal fighters in such conflicts were children who had volunteered to demonstrate their tribal allegiance, according to international and local human rights NGOs.

International Child Abductions.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The government's stated policy was to protect the country's Jewish community, which numbered fewer than 250 citizens. Members of the Jewish community are not eligible to serve in the military or federal government.

Although anti-Semitic material rarely appeared in mainstream media, in the March 5 October 14 daily newspaper in Aden, columnist 'Alawi Abdallah Taher accused Jews of instigating the uprisings in the Arab world, based on instructions written in the forged and discredited Protocols of the Elders of Zion.

The historic Sa'ada community of 58 Jews, which relocated to Sana'a in 2007 after Houthi threatened it, remained under government sponsorship and continued to receive government stipends.

Trafficking in Persons.—See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons With Disabilities.—Several laws mandate the rights and care of persons with disabilities, but there was discrimination against such persons. No law mandates accessibility of buildings, information, and communications for persons with disabilities.

Information about patterns of abuse of persons with disabilities in educational and mental health institutions was not available.

Authorities imprisoned persons with mental disabilities without providing adequate medical care. According to the Ministry of Human Rights, nurses and doctors watched the inmates. In some instances authorities detained without charge persons with mental disabilities and placed them in prisons with criminals. The MOI reported that at times family members brought relatives with mental disabilities to MOI-run prisons, asking officers to imprison the individuals. At year's end MOI-run prisons in Sana'a, Aden, and Ta'iz operated in conjunction with the Red Crescent semiautonomous units for prisoners with mental disabilities; conditions in these units reportedly were deficient. At year's end neither the MOI nor Ministry of Health had acted on a 2005 MOI initiative to establish centers for persons with mental illness.

The MSAL is responsible for protecting the rights of persons with disabilities. The government's Social Fund for Development and the Fund for the Care and Rehabilitation of the Disabled, administered by the MSAL, provided limited basic services and supported more than 60 NGOs to assist persons with disabilities.

By law, 5 percent of government jobs should be reserved for persons with disabilities, and the law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities. It was unclear to what extent these laws were implemented.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, racial and societal discrimination against the Akhdam (an estimated 2-5 percent of the population) was a problem. The Akhdam generally lived in poverty and endured persistent social discrimination. According to a 2009 study by the NGO Save the Children, the Akhdam community, an ethnic minority descended from East Africans, was the social group most vulnerable to discrimination. The government's social fund for development provided basic services to assist them.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Consensual same-sex sexual activity is a crime punishable by death under the country's interpretation of Islamic law. Due to the illegality and possibly severe punishment for homosexuality, there were no lesbian, gay, bisexual, or transgender (LGBT) persons' organizations. There were no reports of official or societal discrimination, physical violence, or harassment based on sexual orientation or gender identity, and there was no official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care, largely because, since same-sex sexual activity is illegal, LGBT issues were not considered "relevant" for official reporting by the government. Few LGBT persons were open about their sexual orientation or gender identity.

Other Societal Violence or Discrimination.—There was no societal violence or public reports of discrimination against persons with HIV/AIDS; however, the topic was socially sensitive and not discussed publicly.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The labor code provides for the right to organize and bargain collectively without government interference; however, these protections do not apply to the majority of the workforce, as the labor code does not apply to public servants, day laborers, domestic servants, foreign workers, and other groups. The law generally protects employees from antiunion discrimination and prohibits dismissal for union activities.

Unions may negotiate wage settlements for their members and may conduct strikes or other actions to achieve their demands. There are significant restrictions on the right to strike and excessive requirements for legal strikes. Workers have the

right to strike only if prior attempts at negotiation and arbitration fail; they must give advance notice to the employer and government and receive prior written approval from the executive office of the General Federation of Unions of the Republic.

Employees may appeal any dispute, including cases of antiunion discrimination, to the Ministry of Social and Labor Affairs. Employees also may take a case to the labor arbitration committee, which the ministry chairs, composed of an employer representative and a General Federation of the Yemeni Workers' Trade Unions (GFYWTU) representative. Generally, parties preferred to resolve cases via the committee system, since court proceedings are costly and the system is often corrupt.

Public sector employees must take labor grievances to court.

Although not required by law, in practice all unions are federated within the GFYWTU). Although not formally affiliated with the government, it is the only official federation and works closely with the government to resolve labor disputes through negotiation.

Freedom of association and the right to collective bargaining were not respected in practice. The government interfered in union activities. Ministry of Social Affairs and Labor bylaws require that union elections take place at least every three years, with ministry officials present as witnesses. The ministry also has veto power over collective bargaining agreements.

The government at times sought to influence unions by placing its own personnel inside groups and organizations. In some instances political parties attempted to control professional associations by influencing internal elections or placing their own personnel, usually tied to the government, in positions of influence in unions and professional associations.]

In reality a union's ability to strike depended on its political strength and closeness to the ruling party.

The majority of employers in the private sector register only five to 10 employees, which allowed them to avoid many social security and labor union regulations. Fewer than 100,000 employees worked for companies with more than 100 employees, making it difficult for the vast majority of workers to enjoy union protection and benefits.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, including by children; however, the government did not effectively enforce such laws, and there were reports of such practices (see section 7.c., Prohibition of Child Labor). In some instances children were forced into domestic servitude and agricultural work, women were forced into domestic servitude or prostitution, and migrant workers were vulnerable to forced labor conditions.

See also the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment.—The child rights law prohibits child labor; however, the government did not effectively implement the law, and there were inconsistencies in the law with regard to minimum age for work and hazardous work.

All child labor under the age of 14 is illegal under the National Rights of the Child Law. Under the law children ages 14 to 18 may work under formal contracts for no longer than six hours a day, with a one hour break after four consecutive work hours, on weekdays between 7 a.m. and 7 p.m. Children under age 18 are prohibited from engaging in hazardous forms of work based upon work conditions and health circumstances, rather than by specific sectors or industries.

The child labor unit at the ministry was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement. Due to limited resources and the security situation, child labor inspectors were unable to travel to conduct their work during the year.

Although penalties exist to punish the worst forms of child labor, the government made minimal enforcement efforts. The ministry has trained safety inspectors to work also as child labor inspectors, raising the total number of inspectors to 57. Reportedly, most cases were resolved between inspectors and employers with a verbal warning if child labor violations were found.

The child labor unit at the ministry was responsible for implementing and enforcing child labor laws and regulations; however, extensive ministerial budget cuts reduced the unit's resources and hampered enforcement. There was no available information on the number of arrests, investigations, and prosecutions for offences related to the worst forms of child labor.

Child labor was common, including in its worst forms. As of 2009 the U.N. estimated approximately 23 percent of children between the ages of five and 14 worked.

Approximately 52 percent of boys between the ages of 10 and 14 were in the workforce, compared to 48 percent of girls in the same age group. An estimated 83 per-

cent of working children (including street beggars) worked for their families, and 17 percent worked outside the family. In rural areas many children were required to work in subsistence farming due to family poverty. In urban areas children worked in stores and workshops, sold goods, and begged on the streets. Many children of school age worked instead of attending school, particularly in areas where schools were not easily accessible. According to the MSAL, small factories and shops, particularly in rural areas, employed children outside the family.

Children also reportedly worked in dangerous conditions in construction, off-shore fishing, mining, and waste dumps.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/programs/ocft/tda/htm and the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

d. Acceptable Conditions of Work.—There was no established minimum wage. The labor law provides equal wages for public sector workers working in joint ventures between the government and the private sector and in parastatals and civil servants hired by the Ministry of Civil Service. Private sector workers, especially skilled technicians, earn a higher wage. During the year the minimum civil service wage fell below the country's poverty level, below which, according to the World Bank, an estimated 60 percent of the population lived.

The law specifies a maximum 48-hour workweek with a maximum eight-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was seven hours per day from Saturday through Wednesday.

The Ministry of Social Affairs and Labor is responsible for regulating workplace health and safety conditions. The labor law regulates occupational health. However, enforcement was weak to nonexistent due to lack of capacity and constrained resources. The ministry's vocational safety department relied on inspection committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Such committees, however, were also constrained by a lack of funding and resources, such as vehicles for committee members to travel to factories for inspections. Some foreign-owned companies and major manufacturers have implemented higher health, safety, and environmental standards than the government required. Workers have the right to remove themselves from dangerous work situations and may challenge such dismissals in court, but there were no reported instances during the year.

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